

**Key West International Airport
Ad-hoc Committee on Airport Noise**

Agenda for Tuesday, April 2nd, 2013

Call to Order 2:00 pm Harvey Government Center

Roll Call

- A. Welcome New Members
 - 1. Tina Mazzorana and Nikali Pontecorvo
- B. Review and Approval of Meeting Minutes
 - 1. For February 5th, 2013
- C. Discussion of Part 150 Study Update -
 - 1. Role of the FAA and the Part 150 Process
 - 2. NEM Documentation Comments
 - 3. Noise Compatibility Program
- D. Other Reports:
 - 1. Noise Hotline and Contact Log
 - 2. Airport Noise Report
- E. Any Other Discussion
 - 1. By-Laws
- F. Next meeting: June 4th, 2013

2013 Schedule of Meetings

February 5 th	April 2 nd	June 4 th
August 6 th	October 1 st	December 3 rd

ADA ASSISTANCE: If you are a person with a disability who needs special accommodations in order to participate in this proceeding, please contact the County Administrator's Office, by phoning (305) 292-4441, between the hours of 8:30 a.m. - 5:00 p.m., no later than five (5) calendar days prior to the scheduled meeting; if you are hearing or voice impaired, call "711".

KWIA Ad-Hoc Committee on Noise February 5, 2013 Meeting Minutes

Meeting called to order by Commissioner Kolhage at 2:00 PM.

ROLL CALL:

Committee Members in Attendance:

Commissioner Danny Kolhage
Sonny Knowles
Dr. Julie Ann Floyd
Marlene Durazo
Marvin Hunt
Harvey Wolney (Alternate)

Staff and Guests in Attendance:

Peter Horton, KWIA.
Deborah Lagos, URS Corp.
Dan Botto, URS Corp.
R. L. Blazevic,
Bob Tepper. Resident
AL Sullivan, Last Stand
Tina Mazzorana, Resident
T. J. Menendez

A quorum was present.

Review and Approval of Meeting Minutes for the October 2nd and December 4th, 2012 Ad Hoc Committee Meetings

Commissioner Kolhage asked if there were comments on the meeting minutes for either the October or December meetings. No comments were volunteered. Motion to approve minutes was made by Marvin Hunt and seconded by Marlene Durazo. There were no objections and the motion carried.

Dan Botto noted that Tina Mazzorana's name was missing from the attendance list in the approved, December meeting minutes. He stated that he would make the correction and post the revised minutes to the website. He asked that the approval of the December minutes be contingent on the revision. The committee agreed and approved the minutes with the contingency.

KWIA Ad-Hoc Committee on Noise February 5, 2013 Meeting Minutes

Review and Approval of Meeting Schedule

Commissioner Kolhage asked if the committee had issues with the meeting schedule. Peter Horton commented that it was the same schedule as the previous year, with meetings falling on the first Tuesday of every other month. Motion to approve meeting schedule was made by Marvin Hunt and seconded by Marlene Durazo. There were no objections and the motion carried.

Discussion of Part 150 Study Update

Role of the FAA

Dan Botto reported to the committee that sections 4 and 5 have been submitted to the FAA. He continued that from this point forward the FAA's review will be more serious than assuring the noise exposure maps are in compliance, as they will either approve or disapprove the Noise Compatibility Program (NCP) recommendations. Dan said we are asking for ideas for [noise mitigation] measures to include in the program, realizing that those ideas could be disapproved by FAA.

The question was asked by R.L. Blazevic on how high up in the FAA organization does the review go. Deborah Lagos answered that it ultimately goes as high as FAA Headquarters in Washington D.C. after the initial reviews that are performed at the district and regional levels. Deborah added, in response to a follow up statement on how the levels of review flow, that it starts at the bottom (district) and goes to the top (Headquarters), and then comes back to the bottom. Marlene Durazo asked if the district and regional FAA will forward the reviews up to the next level even if their recommendation is to disapprove one or more of the proposed measures. Deborah Lagos said that they would, and that ultimately, Headquarters would have the final say. She continued that any disagreements on the proposed measures between different levels of the review would be discussed and resolved within the FAA.

Marlene Durazo asked if the committee would have the opportunity to speak in support of the proposed program measures if the district recommends disapproval of any of the measures, and would the district let the committee know of their position on the proposed program. Deborah Lagos answered that we will most likely know of the district's stance when they do their informal review and can try to work with them on resolving any issues. Deborah continued that we can go higher in the FAA organization if we disagree with the district's position. Dan Botto

KWIA Ad-Hoc Committee on Noise February 5, 2013 Meeting Minutes

added that often the potential issues can be resolved by adjusting the wording of the recommendation(s) such that the district would approve the measure(s). Deborah added that once we start submitting formal recommendations, the FAA will get more involved in the process.

Commissioner Kolhage requested that URS staff give the committee an update on the maps. Dan Botto said the Noise Exposure Maps (NEMs) have been submitted to the FAA for their initial review, and that we are waiting for their comments. Deborah Lagos added that the committee would be discussing those maps as part of today's meeting and that they are in their preliminary draft form which is how they were submitted to the FAA. Commissioner Kolhage asked if anyone here has seen them. Deborah indicated that the committee has not seen them, and that they would see them today.

Peter Horton stated that, referring to the maps, the committee would love what they saw. Peter requested that the maps be passed out to the committee. While the maps were being passed out, Peter asked the committee to recall how four years ago, when the noise contours showed Key West by-the-Sea (KWBTs) inside the contour, the FAA responded that our data was too old. He continued that FAA requested that the airport perform a Part 150 study to update the maps which they would (and did) fund, and that if KWBTs was still inside the new noise contour, it could be addressed in the NCP.

Section 1, 2, 3, and Forecast Comments

Dan Botto asked if there were any comments to Sections 1, 2, 3, and the Forecast which were previously submitted to the committee. Deborah Lagos commented that Marlene Durazo had previously shared one comment. No other comments were made by the committee.

Sections 4 and 5 & Noise Exposure Maps

Peter Horton briefed the committee on the work that URS performed that was necessary to generate the noise contours. He continued that the "meat" of the information was on Figure 4.7, which shows the existing condition, and Figure 5.1, which shows the future (base study year plus five years) noise contour. Peter

KWIA Ad-Hoc Committee on Noise February 5, 2013 Meeting Minutes

stated that the important thing is that he could see three building of KWBTs that fall within the existing contours and continue to be within the contours in the future. Deborah Lagos added that [a portion of] Flagler Avenue was also within the contour. Peter continued that the results are preliminary, and the FAA will be reviewing the methodology as well as the results, but he was confident that the methodology and results are sound. Commissioner Kolhage made the comment that he lived nearby, and the contours looked reasonable to him. Peter continued that several blocks in the area between Staples and Flagler and from 10th thru 12th [Streets] would be in the contour for the first time, which represents a good number of houses.

Commissioner Kolhage asked if the funding [for noise mitigation] was restricted to areas within the noise contours. Deborah Lagos answered that that is yet to be determined. Peter Horton added that they [FAA] generally approve mitigation in blocks. Harvey Wolney asked if that means the Part 150 will repeat in the next five years. Peter answered that it would not, and that Part 150 studies are generally good for ten years. He gave the example using the last cycle of the 1999 study and this Current study starting in 2011. We have pulled all new data to perform this update.

Sonny Knowles asked Peter Horton what he thought the odds were for getting the noise program going again after the study. Peter deferred to the URS staff, saying he thought the odds were good unless FAA has a cut back on funding. Deborah Lagos states that they have not cut back on funding, but the committee has to bear in mind that the FAA has clarified the rules on how to determine if houses are eligible, and this includes condominiums. In the former program, all seven phases, a sample, or about ten percent, of the homes were tested for noise levels before they were insulated, mainly so they could be retested after the noise insulation was installed. This was strictly done to see how much of an improvement had been achieved.

Deborah Lagos said that the FAA has clarified the rules so that eligibility is now a two-step process. Where before, a house was deemed eligible if it was within the DNL 65 dBA noise contour (one step process), now a house also has to exhibit an interior sound level of DNL 45 dBA or greater (second step) to qualify as eligible. So, the testing requirements for determining eligibility have increased.

KWIA Ad-Hoc Committee on Noise February 5, 2013 Meeting Minutes

Deborah Lagos continued that the FAA does not require 100 percent testing, and they have suggestions for grouping homes of similar characteristics [age, building material, etc.] so that a certain percentage of each group can be tested. If those homes qualify, then all homes in that group qualify. If not then, potentially, all homes in that group would not qualify. Deborah added that it is still early in the implementation of these new requirements and there are no field testing results that would tell us how to implement these guidelines.

Sonny Knowles asked if the testing is done with the windows open or closed. Deborah Lagos said that testing is performed with the windows closed. A brief discussion took place on how that would be implemented in the case of condominiums. Deborah commented that it will be an interesting discussion with the FAA about how the determination of eligibility will work in the case of a condominium complex. She continued that methodologies, such as what kind of sound/noise source is used to test each housing unit, have yet to be determined. Further discussion regarding possible methodology of testing and grouping of residences continued.

Peter Horton concluded that this [preliminary noise results] is just the important first step, and there is a lot of work left to do before the committee can decide on what gets included in the program (NCP). He continued that there is also the question of if and what kind of a cleanup phase can be done for homes in the previous NCP. He commented that we would be "nowhere" if KWBTs was not solidly within the noise contours.

Mr. Menendez asked if his home would be included in the clean-up phase. Deborah Lagos stated his house is within the contour so he has nothing to worry about. Houses that were within the previous NCP that were not insulated and are within the current Part 150 NEM would have the chance to receive noise insulation under the new NCP. However, it is unclear if houses that were within the previous NCP that were not insulated and are not within the current study's NEM would have the chance to receive noise insulation under the new NCP. That is the question of the cleanup phase for the previous NCP. Deborah stated and Dan Botto affirmed that the only houses that fall within this category are those on Linda Avenue. Deborah responded to Sonny Knowles on whether or not the houses on Linda Avenue had

KWIA Ad-Hoc Committee on Noise February 5, 2013 Meeting Minutes

already been offered sound insulation measures saying that they had, but for various reasons some had not been insulated.

Peter Horton cautioned that we need to remember the lessons learned in the last study, where just because a home was in the noise contour, doesn't mean it will be determined eligible for sound insulation. He continued that 306 or 307 houses were submitted for consideration in the previous NCP, and the FAA approved all of them and suggested notifying each homeowner that they were a part of the program. He continued that by the time the airport got around to insulating some of those homes, the FAA said that they were no longer eligible.

Sonny Knowles asked for the reason the FAA took the homes out of the program. Deborah Lagos explained that it was due to the smaller size of the annual noise contours that were generated subsequent to the Part 150 NEM. The homes in question were not within those updated contours. Peter Horton recalled that Linda Avenue was an example of this situation.

R.L. Blazevic asked if an empty lot that was built upon after the noise contours were published would be eligible. Deborah Lagos stated that according to current Federal law, if there was a published set of noise contours, that home would not be eligible. FAA set the cut-off date for construction as October 1, 1998. Peter Horton commented that a good example of post cut-off construction is the La Salinas/Ocean Walk complex which is not eligible for that reason, and they constructed the complex with that in mind. There was a brief discussion of the effectiveness of the soundproofing that was built into the complex.

Peter Horton commented that later in the study, work would shift to focus on what the community wants to see included in the NCP. He continued that we really need to get into that work and that today is an overview, but at the next meeting in April, the committee will need to identify what kind of measures we want to propose. He added that the NCP is what the FAA would need to approve, and if they don't, they are not going to fund it.

Peter Horton led a discussion on noise mitigation measures that can be included in the NCP. He brought up measures from the past NCP process that included both measures that were approved and those that were not. Among the measures that

KWIA Ad-Hoc Committee on Noise February 5, 2013 Meeting Minutes

did not get approved were restrictions on non-stage three jet operations and restrictions on the airport's hours of operations (shut down the airport from midnight to 6 AM), both of which would require a Part 161 Study. Peter mentioned that the non stage 3 jet aircraft would be banned from operation across the country by 2016. What the FAA did approve were measures to: provide noise insulation in exchange for avigation easements, this is the NIP at an average cost of \$75,000 per home. This was completed with the FAA covering 95 percent of the cost. They also approved the purchase of homes which were then to be sound insulated, and then resold with an avigation easement, this was not done as the costs were too high and no one really wanted to participate. FAA also approved updating the noise contours annually, which has been done; rezone vacant parcels around the airport, establish compatible land use zoning, both of which are the responsibility of the City of Key West; and acquire 2 large vacant parcels, one of which will be completed very soon. Peter mentioned that over the years the airport has tried a variety of other measures including adjusting flight tracks and creating noise buffers. He reiterated that the committee needs to consider all these types of measures when coming up with what goes in the new NCP.

Deborah Lagos added there are a lot of different measures that need to be considered including the land use and operational measures that Peter Horton mentioned. Deborah added that some of the measures, like the operational curfew that Peter mentioned, are very difficult to get FAA to approve. We still need to consider all of them and document why we deem it as appropriate or not appropriate for the airport. We can come to the end of the analysis and determine that there are no measures that are appropriate.

Deborah Lagos continued that there is a third category of measures that needs to be considered called Program Management Measures. This includes measures such as the installation of a permanent noise and flight track monitoring system, the hiring of a noise abatement officer, the development of a "Fly Quiet" program, and the development of a community participation and/or public involvement program. These are measures that are designed to help the community deal with the noise, rather than reduce the noise. Some of these may be appropriate for Key West, and some are not, but they need to be looked at. Deborah reiterated that all measures need to be looked at and then documented as to the appropriateness of each measure for Key West. Deborah continued, saying that each of the

KWIA Ad-Hoc Committee on Noise February 5, 2013 Meeting Minutes

recommended measures will be looked at and either approved or disapproved by the FAA. Dan Botto added that on page two of the agenda package there is a list of what the FAA looks at in determining whether or not a proposed measure gets approved or not.

There was a brief discussion between R.L. Blazevic and Peter Horton about the possibility of the city purchasing a vacant parcel on 11th Street, close to the boat ramp. R.L. would like the property purchased for a place to park boat trailers on the weekend. Peter Horton explained that the City was looking at making that property a park, but the city did not want to spend the money to maintain an additional park. It was also discussed that it would become a magnet for the homeless people in the area.

Tina Mazzorana asked if changes to flight tracks can be discussed at the April meeting. Deborah Lagos said that it can be discussed and that it is difficult to get those types of measures approved, but that kind of thinking is along the right line for discussion point at the next meeting. Deborah added that because FAA considers houses outside the DNL 65 dBA noise contour to be compatible, even if you have aircraft flying over your house on a daily basis, the FAA does not consider your house to be impacted. So the FAA would only consider approving such measures if they benefit homes that are impacted.

Dan Botto asked that the committee review the documentation included in the agenda package, and come up with ideas on potential noise mitigation measures for discussion at the next meeting. Commissioner Kolhage asked if there was a menu [list] of possible measures to consider that would help the committee come up with ideas. Dan Botto and Deborah Lagos said that there is a list of measures that have to be considered, but it is not very descriptive. Peter Horton offered to get that list out to the committee as well as anyone else who would like a copy. Commissioner Kolhage explained that the reason for his question is a concern that people might spend a lot of time coming up with ideas that have little chance of success. Dan explained that having worked with FAA over the years that there are a number of measures on which we can forego analysis and come up with reasoning on why it is not appropriate for the airport. Dan added that someone could come up with a viable measure that has not been thought of before.

KWIA Ad-Hoc Committee on Noise February 5, 2013 Meeting Minutes

R.L. Blasevic asked that with all the other cities that have similar airport noise issues and on which we have data, could we generate a list of measures that have the best chance of success. Dan Botto responded that we do use the lessons learned at other airports to help with ongoing studies. The problem is that Key West has residential land use on three sides and the ocean on the remaining side with the navy's flight paths that constrain the list of potential measures. Dan continued that the airport is also constraint by the weather, with the wind blowing 80% of the time such that the planes have to come in across the island. Also, the FAA will not approve moving the noise from one area to another area that does not currently experience noise.

Other Reports

Noise Hotline and Contact Log

Dan Botto reported that there were three calls the noise hotline. One was from KWBTs, and Dan said that all calls came in on the same day, and it looked like they were on a day with a west flow. Dan reported that there were four entries on the contact log. Three were about being included in the NIP, and the other was from Helen Heitzeman asking about the noise monitor report from the noise monitoring completed in October of last year.

Airport Noise Report

Dan Botto stated and Deborah Lagos agreed that they did not see anything of interest in the Airport Noise Reports. Peter Horton said that an article on page 40 on improving helicopter noise modeling caught his eye because the airport is seeing more helicopter traffic. There was a brief discussion about modeling helicopter noise and the characteristics of helicopter operations that lead to noise complaints.

Any Other Discussion

Committee Member Nominations

Peter Horton introduced the topic of the need to select a new committee member and alternate. Deborah Lagos explained that with the resignation of Dan McMahon we have an open spot for a full committee member from the community. Deborah

KWIA Ad-Hoc Committee on Noise February 5, 2013 Meeting Minutes

made the suggestion that Harvey Wolney could be promoted from an alternate to a full committee member. That would result in the need for recruiting a new community alternate. At the previous meeting it was mentioned there was an vacant committee position for an aviation representative alternate. However, if Paul Depoo resigns, we could have a full aviation position available as well.

Commissioner Kolhage asked for a motion to promote Harvey. Marlene Durazo made the motion and Sonny Knowles seconded the motion. There were no objections and the motion carried. Commissioner Kolhage asked for a motion to officially nominate Nick Pontecorvo for the aviation representative alternate. Marlene made the motion and Sonny Knowles seconded the motion. There were no objections and the motion carried. Deborah Lagos said that there are several options for the open community representative alternate. The first is the new manager of KWBTs, Jessica Wallace. Marlene stated that she didn't think Jessica would accept as she was too busy. The second possible nominee is Robert Gold, who has expressed a possible interest. Sonny Knowles asked if there were requirements as to where in the community the new committee member needed to reside. Deborah answered was that there is no such requirement. Sonny Knowles nominated Tina Mazzorana. Harvey Wolney seconded the nomination. There were no objections and the motion carried. There was a brief discussion on what was required to make the committee membership official (appointment by the BoCC).

New 4 and Stage 5 Noise Requirements

Deborah Lagos brought up what is currently being discussed internationally with respect to the new stage 4 and stage 5 noise rated aircraft requirements. She said that a number of the newer aircraft already meet the stage 4 criteria. She continued that stage 5 criteria are currently under discussion internationally. The likely outcome would be that stage 5 criteria will be 9 dB quieter than the stage 4 criteria. Deborah added that the stage 5 criteria would likely be required for aircraft certificated after the year 2020. So these would apply to future designed aircraft.

Commissioner Kolhage asked if there was any other business. No additional business was brought up to the committee. Commissioner Kolhage adjourned the meeting at 3:03 PM.

The Role of the FAA in the Part 150 Process:

Noise Exposure Maps

- Indicates whether they are in compliance with applicable requirements,
- Publishes notice of compliance in the Federal Register, including where and when the maps and related documentation are available for public inspection.

Noise Compatibility Program

The FAA conducts an evaluation of each of the measures (operational, land use, and program management) included in the noise compatibility program and, based on that evaluation, either approves or disapproves each of the measures in the program. The evaluation includes consideration of proposed measures to determine whether they—

- May create an undue burden on interstate or foreign commerce (including unjust discrimination);
- Are reasonably consistent with obtaining the goal of reducing existing noncompatible land uses and preventing the introduction of additional noncompatible land uses;
- Include the use of new or modified flight procedures to control the operation of aircraft for purposes of noise control, or affect flight procedures in any way;
- The evaluation may also include an evaluation of those proposed measures to determine whether they may adversely affect the exercise of the authority and responsibilities of the Administrator under the Federal Aviation Act of 1958, as amended.

The Administrator approves programs under this part, if –

- Program measures to be implemented would not create an undue burden on interstate or foreign commerce and are reasonable consistent with achieving the goals of reducing existing noncompatible land uses around the airport and of preventing the introduction of additional noncompatible land uses;
- The program provides for revision if made necessary by the revision of the noise map;
- Those aspects of programs relating to the use of flight procedures for noise control can be implemented within the period covered by the program and WITHOUT –
 - Reducing the level of aviation safety provided;
 - Derogating the requisite level of protection for aircraft, their occupants, and persons and property on the ground
 - Adversely affecting the efficient use and management of the Navigable Airspace and Air Traffic Control Systems; or
 - Adversely affecting any other powers and responsibilities of the Administrator prescribed by law or any other program, standard, or requirement established in accordance with law.

Source: .Title 14 cfr part 150.

PART 150 PROCESS

NOISE EXPOSURE MAPS

Existing Noise Exposure Map



Future Noise Exposure Map



Public Review

Noise Exposure Maps Report



FAA Review / Comments

FAA Notice of Noise Exposure Map Conformance

NOISE COMPATIBILITY PROGRAM

Operational Noise Abatement Alternatives



Land Use Noise Mitigation Alternatives



Public Review

Program Management Alternatives



**Implementation Plan / Noise Benefit Analysis /
Cost Estimate / Roles & Responsibilities**



Preliminary Noise Compatibility Program Report



FAA Review

Final Noise Compatibility Program Report



Public Hearing



FAA Review - 180 Days

FAA Record of Approval



**Key West International Airport
Noise Hotline Log**

Date of call	Time of call	Caller	Contact information	Date rec'd	Message	Response	Date
2/14/2013	11:43 AM	Patrick Murphy	2601 S Roosevelt Blvd, KWBTS, 610-304-8946	2/22/2013	A Southwest airlines plane took off and typically they go north this seemed to be going south coming right over the property. I happen to be on the end so I catch all the noise. I would like to hear back from you to see why indeed this is starting to take place. I come down here, I own this place and recently you have been flying over our property and I'd like to have an explanation to why this has started. When I bought this place there was no way this was happening.		
2/14/2013	12:23 PM	Patrick Murphy	2602 S Roosevelt Blvd, KWBTS, 610-304-8946	2/22/2013	Just recently I was going down to the pool and again a Southwest airlines plane came right over my facility at KWBTS and I'm just curious as to when the path of planes had changed or why you're allowing it to happen. The noise is somewhat unbearable. Everything is shaking, and it just happen to be over the corner in which I live. I would like to speak to someone regarding this matter.		
2/14/2013	12:50 PM	Patrick Murphy	2603 S Roosevelt Blvd, KWBTS, 610-304-8946	2/22/2013	This is the 3rd time today I'm calling regarding an airplane that took off and it went right over out property especially right over the corner where I live at KWBTS which is the property at the end of the runway. Everybody always takes off at the opposite direction and I have no idea on why this has changed or what is going on.		
2/16/2013	12:23 PM	Patrick Murphy	2604 S Roosevelt Blvd, KWBTS, 610-304-8946	2/22/2013	A plane flew right over my condo and I'm just wondering since when or how you people have changed your flight plans. You could look up the plane for sure. I would like to speak to somebody. I'm trying to find out what in Gods name is going on with these flights over my house. Number one its dangerous and number two its loud.		
2/16/2013	12:47 PM	Patrick Murphy	2605 S Roosevelt Blvd, KWBTS, 610-304-8946	2/22/2013	You're probably having a hard time hearing me speak because a plane is going right over my condo. I'm sure you hear it in the backyard. That's the 2nd one, one just left it was a Southwest plane wondering if you can call me please. Again Southwest plane just took off going over my property and I'm wondering why the flight plan changed.		

Key West International Airport Noise Hotline Log

Date of call	Time of call	Caller	Contact information	Date rec'd	Message	Response	Date
2/16/2013	2:14 PM	Patrick Murphy	2606 S Roosevelt Blvd, KWBTS, 610-304-8946	2/22/2013	I have made numerous calls and haven't heard back from anybody. A Southwest plane just took off, loud as could be, barely hear, shaking my house and I'm trying to figure out who and why this is taking place. The planes used to come over and they were further over and they were landing, they were not taking off. Quite frankly it seems to be a safety issue, it sure as heck is loud as can be. Please give me a call.	Dan Botto placed a call on 2/22/2013 at 3pm.	
2/21/2013	7:30 PM			2/22/2013	Hang Up		
2/21/2013	7:32 PM	Jeremy Hall	305-433-2077	2/22/2013	About 10 minutes ago there was an extremely loud jet taking off its dark, I couldn't see what it was, my guess is that it was a private jet. I haven't called recently because it really seems like a waste of time but on this occasion it was really really loud.		
2/28/2013	4:35 PM	Roy Johnson	292-2222	3/1/2013	There's been a loud military helicopter flying touch and go's at the airport for over an hour, very loud, making a lot of noise. Why cant they use their own airport. This is ridiculous.		
3/14/2013	8:11 AM	Caroline Cotton	KWBTS 305-923-8896	3/18/2013	For the last 2 months there has been an aircraft taking off at approx.. 8 am. It shakes all the windows and it wakes up everyone in our 3 bedroom condo. The noise is horrific. There is another flight that takes off at about 10:15 am or 11:00 am. I will call you back then. I just found out about this hotline. We have lived in this place for 8 months and the bigger aircraft have gotten louder and louder. the windows are shaking. We have people that work at night that cannot sleep because of this problem and I will keep calling and I will keep calling and I will keep calling until someone calls me back and lets me know what in the heck is going on in our community. this is horrific and I'm getting ready to conduct an article for the Key West Sun.	Dan Botto left a message on 3-21-2013 at 2:45 pm	

**Key West International Airport
Contact Log**

Date of call	Caller	Contact information	Subject	Response	Date
3/14/2013	Sandy Santiago	305-304-6063	Lives at 1301 United. Called because airplanes have gotten louder lately. They are coming in low and hot, not as high as they used to. The Avanti and the Steerman are particularly loud, as are the big jets.	DML - Informed him about the ongoing noise study, and that we are just beginning to look at operational measures. Invited him to the Ad-Hoc Committee Meeting on April 2nd.	

Airport Noise Report



A weekly update on litigation, regulations, and technological developments

Volume 25, Number 2

January 25, 2013

Europe

IMPACT OF NOISE ON HEALTH MUST BE CONSIDERED IN SELECTING RESTRICTIONS

On Dec. 12, 2012, the Parliament of the European Union approved legislation that requires European airports to follow ICAO's Balanced Approach to adopting new noise restrictions under which the most cost-effective airport noise mitigation measure must be selected.

However, unlike ICAO's guidance, the European legislation requires that when determining what the most cost-effective noise mitigation measure, "health and economic aspects" must be taken into account "on an airport by airport basis in order to safeguard the health of citizens living in nearby areas."

The legislation originally proposed by the European Commission in 2011 did not refer to health effects and required only that new noise restrictions be imposed in the most cost-effective manner (24 ANR 1).

Recent studies done around European airports link exposure to aircraft noise, particularly at night, with increased risk of cardiovascular disease.

Such risk will have to be factored into cost-benefit analyses done to support new noise restrictions at European airports if the legislation passed by the European
(Continued on p. 7)

Seattle-Tacoma Int'l

DRAFT 150 UPDATE SEEKS TO CONTINUE RSIP, BUILD GRE, REPLACE MONITORING SYSTEM

A draft update to the Part 150 Program for Seattle-Tacoma International Airport proposes continuing the airport's residential sound insulation program and expanding it to apartments, constructing a Ground Run-up Enclosure (GRE), and replacing and upgrading the airport's noise monitoring and flight tracking system.

The Port of Seattle has committed to spending \$131.5 million total in new funding on its noise mitigation program over a 10-year period (2014-2023). It has already spent over \$400 million on noise mitigation programs for Sea-Tac, where approximately 9,300 homes have already been insulated.

On Jan. 22, the Port of Seattle Commission received a presentation on the status of the draft update to Sea-Tac's Part 150 Airport Noise Compatibility Program, which is nearing completion and has undergone preliminary technical review by the Federal Aviation Administration.

Once the Sea-Tac staff responds to written comments from the FAA, the draft Part 150 study update will be published for public review and comment, including a public hearing. The final Part 150 study update is expected to be submitted to the

(Continued on p. 8)

In This Issue...

Europe ... Legislation approved by the European Parliament requires EU airports to consider the impact of noise on health when adopting noise restrictions under ICAO's Balanced Approach; makes it easier to phaseout noisiest aircraft; requires noise assessment by agency independent of airport - p. 6

Sea-Tac ... Part 150 Program update that underwent unprecedented public input process nearing completion; Port commits \$131.5 million to noise mitigation over next 10 year period - p. 6

Farnborough ... UK business jet airport near London bans aircraft not meeting ICAO's most stringent Chapter 4 noise certification standards - p. 7

LaGuardia ... FAA agrees to make presentation on controversial RNAV departure procedure to Community Boards in Queens but agency says community input of Catexed procedure will not be considered formal testimony - p. 9

EU, from p. 6

Parliament clears its final hurdle to adoption: approval by individual EU Member States.

In 2009, the World Health Organization's Regional Office in Europe issued night noise guidelines recommending that annual average night exposure to noise should not exceed 40 dB Lnight, outside, which would be equivalent to 50 dB DNL (21 ANR 131).

The WHO guidelines did not specifically address the question of whether they can provide a scientific foundation for possible future restrictions on nighttime flights by European airports but they could be used for that purpose.

The EU legislation states, "A large number of EU citizens are exposed to high noise levels which may lead to negative health effects, particularly where night flights are concerned."

Easier to Bar Noisiest Aircraft

The legislation passed by the EU Parliament also makes it easier for European airports to bar Stage 3 aircraft that do not meet the International Civil Aviation Organization's most stringent Chapter 4 noise standards.

These so-called "marginally compliant" aircraft – the noisiest operating at European airports – are defined as those that meet ICAO Chapter 3 noise standards by a cumulative margin of less than 8 EPNdB during a four-year transition period after the legislation is passed.

Following the transition period, "marginally-compliant" aircraft are defined as those that meet ICAO Chapter 3 noise standard by a cumulative margin of less than 10 EPNdB.

The legislation does not specify which aircraft meet these definitions but Stage 3 hushkitted aircraft likely do.

The EC said that "marginally-compliant" aircraft account for a disproportionate amount of noise nuisance.

ICAO's Chapter 3 and 4 noise certification standards are identical to U.S. Stage 3 and 4 noise standards.

The legislation passed by the European Parliament also requires that prior to adoption of noise mitigation measures, airports conduct a comprehensive noise assessment and transparent consultation process with all stakeholders.

The noise assessment should be carried out or supervised by outside agencies independent of the airport operator, the legislation states.

It also notes that Member States may, within the Balanced Approach, differentiate noise mitigation measures according to aircraft noise performance, runway use, flight path, and/or timeframe covered.

It gives the EC an oversight role on new airport noise restrictions but that scrutiny does not replace the authority of EU Member States to make the final decision on introduction of new aircraft noise restrictions.

"Decisions on cutting noise levels have to balance protection for citizens living close to airports against the needs of those who wish to travel," the EC said.

"Decisions must be taken in line with guidelines set at the international level by ICAO. Residents are entitled to be pro-

tected from excess noise from airports but it is necessary to take into account costs in terms of lost capacity and the impact on economic growth in a region."

Noise Part of Broader Legislation

The noise provisions of the legislation are part of a comprehensive package of measures proposed by the EC to help increase the capacity of Europe's airports, reduce delays, and improve the quality of ground-handling services.

The legislation introduces market-based mechanisms for the trading of slots between airlines in a transparent way, as well as measures to ensure that existing capacity is used by airlines - by raising the threshold on the "use it or lose it rule" from 80 percent to 85 percent.

The measures on slots would allow the system to handle 24 million more passengers a year by 2025.

Five European airports are currently operating at capacity: Düsseldorf, Frankfurt, London Gatwick, London Heathrow, Milan Linate. On current trends, the EC said, this could increase to 19 key airports by 2030, including for example Paris Charles de Gaulle International – with very significant consequences for delays and congestion."

UK**FARNBOROUGH BANS BIZ JETS NOT MEETING ICAO CHAPTER 4**

Beginning Jan. 1, the UK's TAG Farnborough Airport banned operation of jet aircraft that do not meet International Civil Aviation Organization's most stringent Chapter 4 noise standards.

"By enforcing the highest existing standard, we have taken an industry-leading approach to phasing out all but the most modern and quietest categories of jet aircraft," said Miles Thomas, Environment Manager for the airport, which is used exclusively for business jet operations and is located near London.

"As outlined in our 2009 Master Plan, we are committed to minimizing noise in and around the airport and will continue to work with our neighbors and experts to identify ways of making further improvements."

To ensure 'Chapter 4' compliance, TAG Farnborough Airport requires approved noise certificates before permission can be granted to land or take-off. Approximately 300 flights that occurred in 2012 would not meet the new standard.

Implementation of the new noise standard at TAG Farnborough Airport was agreed with Rushmoor Borough Council in 2011 as part of approval for a phased increase in the number of permitted aircraft movements from 28,000 to 50,000 per year through to 2019. The airport is located in Rushmoor.

Farnborough Airport said it is one of the first airports in Europe to introduce ban aircraft that do not meet ICAO Chapter 4 standards.

Located 40 miles from central London, the airport has in-

vested more than £100 million in state-of-the-art facilities in its bid to become “the world’s leading business aviation gateway.”

Sea-Tac, from p. 6

FAA during the second quarter of 2013.

The airport’s first Part 150 study was completed in 1985 and based on the 1985 65 dB DNL contour. The boundary for the program update is based on the 2018 65 dB DNL contour, which is smaller than the 1985 contour.

Recommendations:

Sea-Tac seeks in its Part 150 Program update to achieve the following:

- Continue the residential sound insulation program (RSIP) with the possible addition of air conditioning as part of the sound insulation package for single-family homes. However, single-family homes that are already insulated would not be eligible for air conditioning.

An estimated 193 single-family homes are eligible for insulation at a total cost of \$1.3 million or \$95,000 per home. The incremental cost of adding air conditioning is estimated to be \$10,000 to \$15,000 per home.

- Continue offering sound insulation to multi-family, owner-occupied condominiums. Some 320 individual condo units are eligible for insulation at a total estimated cost of \$21.4 million or \$67,000 per unit.

- Complete voluntary acquisition of 16 homes located in the South Approach Transition Zone for the 3rd runway at a total estimated cost of \$10 million.

- Expand the RSIP to offer sound insulation to 1,157 individual apartment units in multi-family tenant occupied residences at a total estimated cost of \$46.2 million or \$40,000 per unit. A feasibility/pilot study in a 20 to 24-unit apartment building is expected to cost \$1.1 million.

- Purchase avigation easements for 88 mobile homes located on individual parcels of land for an estimated total cost of \$80,000 or \$5,000 per unit. Work with local jurisdictions on the feasibility of developing land use controls to restrict the use of mobile homes for future residential infill.

- Identify feasible locations for construction of a large, three-sided Ground Run-up Enclosure. Cost of construction of the GRE only is \$6 million to \$10 million.

- Replace and upgrade the current noise monitoring and flight tracking system (Lochard/B&K), which is 12 years old and beginning to have reliability issues. Estimated cost for a replacement system and 25 permanent noise-monitoring stations is \$2 million.

Extensive Public Input

The presentation the Port of Seattle Commission was given on Sea-Tac’s Part 150 program update documents a long and extensive public outreach and input process.

Since the Part 150 update began in 2009, the Commission was briefed six times on it in public sessions, providing op-

portunities for public input; four well-attended large-scale public workshops were held and designed for maximum public involvement; briefings were provided to City Councils of six cities around Sea-Tac and a School District as well as to local, state, and federal officials.

In addition, six Technical Review Committee meetings were held and a public information session is planned for early 2013 to gather comments on the draft update.

“The outreach conducted for the Sea-Tac Part 150 was greater than any Part 150 I have seen over the last 17 years of my career,” said Rob Adams, Vice President of the consulting firm Landrum & Brown, which prepared the Part 150 update.

“That is true both for amount of outreach (number of events and meetings) and the quality of the events (meaningful participation). We conducted outreach events that were more interactive and engaging than what is typically done for Part 150 studies. I believe the success of those public meetings has helped to continue work by the Port staff in building strong ties with the airport neighbors,” he told ANR.

“The opening of the third runway at Sea-Tac reignited community concern regarding aircraft noise and resulted in lawsuits against the Port. The Port was very interested in implementing the Part 150 in a way that did not worsen the situation and if possible improve the situation,” Adams said.

“The first step I took in developing the outreach program included attending some of the Port’s public meetings prior to developing the scope for this Part 150. From that I saw the confrontational nature of the situation and also recognized that in some ways the meeting design itself led to a confrontational atmosphere.

“There was a general dislike of the standard open-house workshop by the public because they wanted the opportunity to have their voice heard. As a result, the meetings I observed ended up with an us vs. them arrangement where people would stand in line to shout their complaints about the third runway at the FAA and Port staff that were at a podium.

“Most of the discussion was about how the public felt lied to in the past. Not very productive and while the public was vocal, most in the audience seemed disappointed in the meeting itself. So we developed a program to help ‘change the conversation’ from what happened in the past to how do we move forward.

“Each meeting had a purpose and was designed in a way to meet that purpose. For example, the first public meeting included breakout sessions where people had the opportunity to talk to facilitators about the issues that were important to them. At the end of the meeting, we had a ‘come together’ session where each of the breakout groups were given the opportunity to report back to the larger audience. At one meeting, we adopted a classroom theme where specific technical information was discussed in three separate classrooms. The public were given the opportunity to attend all three classes before we came together to discuss bigger picture items. We had some other novel ideas for making sure that people had an opportunity to meaningfully participate in the study and in general the responses from the public were positive.”

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LaGuardia

NY STATE, FEDERAL OFFICIALS VOW TO CONTINUE FIGHT OVER NEW RNAV

State and federal elected officials representing Queens, NY, vowed after a meeting with the Federal Aviation Administration to continue their fight with the agency over an RNAV departure procedure from Runway 13 at LaGuardia Airport that has sparked noise complaints by residents of Queens and the ire of lawmakers who were not informed about it.

On Jan. 18, NY State Sen. Tony Avella (D), state Assemblyman Edward Braunstein (D), U.S. Rep. Grace Meng (D-NY), and a representative of U.S. Rep. Steve Israel (D-NY) met with officials of FAA's Eastern Region to discuss their concerns about the lack of public input and information about the RNAV departure and its noise impact.

"With today's meeting with the FAA, we took a step forward in addressing the significant quality of life issue that was created by the FAA's new flight procedures at LaGuardia Airport, which have resulted in extreme increases in aircraft noise in northeastern Queens," the lawmakers said in a joint statement.

"We will continue to fight for an open process that involves additional options and put pressure on the FAA to pursue those alternatives which include vital community feedback."

State Sen. Avella's press secretary told ANR that FAA has agreed to participate in a meeting where the public will have an opportunity to give FAA input on the new departure procedure. However, no date has been set yet for that meeting.

FAA told ANR that it will participate in a joint meeting with Queens Community Boards 7 and 11, which represent residents in the northeast part of Queens impacted by the departure procedure noise. However, the agency stressed that the meeting will be sponsored by the Community Boards, not FAA, and will consist of a Power Point presentation on the departure procedure changes and a question-and-answer session afterward with Community Board members and the audience.

However, the FAA will not conduct a formal public input session with a stenographer at the meeting.

The FAA determined that the LaGuardia RNAV departure procedure, dubbed the TNNIS Climb, qualified for a Categorical Exclusion (Catex) from environmental review. A Catex designation relieves the agency from having to inform the public about the procedure or obtain their input on it.

FAA said it approved the use of the TNNIS Climb for flights departing from Runway 13 at LaGuardia when JFK International Airport is operating under certain runway configurations.

Sen. Avella has demanded that the Catex be rescinded (24 ANR 184).

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Boston Logan Int'l

NEW RNAV DEPARTURE WOULD CAUSE NO SIGNIFICANT IMPACTS, DRAFT EA CONCLUDES

A new RNAV departure procedure on Runway 33 Left at Boston Logan International Airport will not cause significant environmental impact, the Federal Aviation Administration concluded in a Draft Environmental Assessment (EA) released on Jan. 14.

The proposed RNAV departure procedure would improve safety and efficiency at Logan Airport and has been designed as closely as possible as an overlay to the current conventional flight departure procedure for Runway 33L, FAA told ANR.

The agency is seeking public comment on the Draft EA, which has been posted to the following website: <http://www.bostonRNAVEA.com>. All comments, which will be accepted through Feb. 15, will be considered as the agency prepares the final Environmental Assessment.

Runway 33L is the only major runway at Boston Logan International Airport that does not have a NextGen departure procedure.

The Draft EA compared the 2015 noise exposure for the No Action alternative to that of the proposed RNAV procedure in 2015. Compared to the No Action alter-

(Continued on p. 11)

New Smyrna Beach Airport

FAA RECOMMENDS CITY NOT SUBMIT PART 150 FOR APPROVAL IN LIGHT OF DROP IN TRAFFIC

In light of significant drop in aircraft operations at general aviation New Smyrna Beach Airport in Florida, the Federal Aviation Administration has recommended that the airport not submit its proposed Part 150 Airport Noise Compatibility Program to the agency for official review.

In a Jan. 8 letter, Allan Nagy, an environmental specialist in FAA's Orlando Airports District Office, said there "is a significant discrepancy" between the forecasts of aviation activity used to develop the 2009 and 2014 Noise Exposure Maps (NEMs) for the airport and the FAA's 2012 Terminal Area Forecast (TAF) for the airport.

"The TAF indicates a significant drop in aircraft operations at the airport, which would lead to the noise contours being smaller than those developed and depicted in the NEM and NCP studies," Nagy told Airport Manager Rhonda Walker.

"Because of this discrepancy the Airport Sponsor is not able to certify that the 2009 and 2014 NEMs used in the NCP document are representative of the operational/noise conditions of the year of submission to the FAA for review and ap-

(Continued on p. 12)

In This Issue...

AIP ... In an unusual move, FAA seeks public comment on a draft update to its AIP Handbook, Order 5100-38D, that incorporates substantial changes to law and policy regarding the AIP program made since 2005 - p.13

Boston Logan Int'l ... RNAV departure will not cause significant environmental impact, FAA concludes in draft EA - p. 10

New Smyrna Beach ... FAA recommends that the city not submit its Part 150 Program for agency approval in light of drop in traffic - p. 10

ICAO ... MOU signed by ICAO/IATA/ACI launches a Young Professionals Program designed to provide experience in aviation regulatory activity - p. 11

Part 150 Program ... FAA seeks comment from airports on burden of submitting noise compatibility programs, noise maps to agency for review, approval- p. 12

Boston, from p. 10

native, the RNAV procedure would result in no increase in the number of people in the 65 dB DNL and higher noise contours. In lower contours, the RNAV departure would result in the following changes compared to the No Action alternative:

- An increase of 658 people in the 60 to less than 65 dB DNL contour;
- An increase of 2,784 people in the 55 to less than 60 dB DNL contour;
- A decrease of 7,736 people in the 50 to less than 55 dB DNL contour;
- A decrease of 63,552 people in the 45 to 50 dB DNL contour;
- An increase of 67,846 people in the less than 45 dB DNL contour.

FAA said the Draft EA found that the RNAV departure would result in no significant noise impacts (increases of 1.5 DNL) in areas that would experience DNL noise levels of 65 or above.

Although not required to be evaluated when no significant impacts are found at 65 DNL or above, the FAA also reported that the proposed RNAV does not reach the level of significant noise impact of 3 DNL between 60 and 65 DNL or 5 DNL between 45 and 60 DNL.

FAA said it considered categorically excluding the proposed RNAV procedure from the preparation of an EA per FAA Environmental Order 1050.1E, as it was designed to overlay conventional (i.e. existing) flight tracks.

But the agency chose not to because the procedure is not an exact overlay of conventional flight tracks due to RNAV design criteria. Also, preliminary noise analysis of the RNAV SID procedure on Runway 33L conducted prior to this Draft EA resulted in 145 people being added to the 65 Day-Night Average Sound Level (DNL) noise contour.

“The results of this preliminary analysis indicated the possibility that population exposed to higher noise levels could increase with an updated EA noise analysis, and could have the potential to be highly controversial on environmental grounds. As a result, FAA determined an EA would be appropriate to investigate this in more detail.”

Advisory Committee Proposal Rejected

FAA rejected an RNAV departure procedure for Runway 33L designed by the Logan Airport Community Advisory Committee (CAAC) on the grounds that it was not consistent with the goals of the Boston Airport Noise Study (BLANS), which has been going on since 2002.

As part of the BLANS study, FAA evaluated the CAAC proposal, which would have sent aircraft farther west of the path preferred by FAA.

The agency said the RNAV departure endorsed by CAAC would have exposed an additional 145 persons to noise levels above 65 DNL and that nearly 31,000 persons would experience an increase of at least 5 DNL and would be newly ex-

posed to noise levels above 45 DNL, while 8,461 persons would have experienced a 5 DNL decrease in noise, for a net increase of 22,497 persons.

ICAO**ICAO/IATA/ACI LAUNCH YOUNG PROFESSIONALS PROGRAM**

The International Civil Aviation Organization (ICAO) signed a Memorandum of Understanding (MOU) with the International Air Transport Association (IATA) and the Airports Council International (ACI), on Jan. 10 that establishes a global Young Aviation Professionals Program.

The new program will identify young talented professionals, with due consideration to diversity, who have advanced university qualifications and knowledge of and practical experience in the aviation industry and regulatory activities, ICAO said.

Selected candidates will be expected to contribute to work programs relating to aviation safety, security, environment and/or air transport, focusing on the inter-relationships between regulatory activities and the airline and airport industries.

“Within the United Nations Common System Organizations, the Young Aviation Professionals Program is unique as it enables young professionals to complete a work assignment with an international regulatory body, which develops international standards, as well as with the industry partners in the airline and airport industries, through which the international standards are implemented,” commented ICAO Bureau of Administration and Services Director Fang Liu.

“Through these assignments, which will cover a period of twelve months, the young professionals will be expected to further develop their knowledge and understanding of regulatory activities and the airline and airport industries. The young professionals we’re looking for will be expected to have the potential to participate in, and/or lead future activities undertaken by ICAO, IATA and ACI.”

Positions under the program will be announced in early 2013, with the objective of filling the positions by the third quarter of 2013. ICAO will serve as the Administrator of the new program and a Coordinating Committee, composed of representatives of the three organizations and chaired by ICAO, will be established to plan and coordinate specific implementation details.

“This is a ground-breaking development opportunity for qualified young professionals,” stressed IATA’s Director, ICAO Relations, Mike Comber. “We’re looking to directly expose the selected candidates to real-world work programs and projects to help enrich their aviation sector knowledge and their understanding of the benefits brought by close cooperation amongst all aviation stakeholders.”

“ACI is proud to be working with ICAO and IATA as partners in this program. Developing professionalism in the

industry is a core priority for ACI,” added ACI Director General Angela Gittens.

“The global aviation business is becoming ever more complex and for the first time, this will give the brightest and the best an opportunity to participate in its future development from three unique perspectives.”

Part 150 Program

FAA SEEKS INPUT ON BURDEN OF SUBMITTING 150 PROGRAMS, MAPS

The Federal Aviation Administration announced Jan. 28 that it is seeking public comment on its intention to ask the Office of Management and Budget to renew its collection of voluntary information on the Part 150 Airport Noise Compatibility Program.

Airports voluntarily submit noise exposure maps and Part 150 airport noise compatibility programs, and revisions to them, to the FAA for review and approval.

FAA estimates that it takes an average of 3,882.6 hours for an airport to compile the information voluntarily submitted on noise maps and Part 150 programs.

The agency is seeking public comment on all aspects of this information collection, including:

- Whether the proposed collection of information is necessary for FAA’s performance;
- The accuracy of the estimated burden;
- Ways for FAA to enhance the quality, utility, and clarity of the information collection; and
- Ways that the burden could be minimized without reducing the quality of the collected information.

The agency will summarize and/or include comments from the public in its request for OMB’s clearance of the part 150 program information collection.

Written comments must be submitted by March 29.

The FAA’s notice is available online at <http://www.gpo.gov/fdsys/pkg/FR-2013-01-28/pdf/2013-01705.pdf>

New Smyrna Beach, from p. 10

proval (2012). This certification is required for the FAA to accept the NCP for official review and ultimate issuance of a Record of Approval.”

Nagy said that New Smyrna Beach’s NEM and NCP documents “demonstrate that there are no current non-compatible land uses within the 2009 NEM nor are there any projected future non-compatible land used identified in the 2014 NEM. Therefore, none of the NCP measures recommended in the NCP would achieve the primary goal of the Part 150 process, which is to reduce the amount of non-compatible land uses within the noise contours of an airport.”

Nagy offered the City of Smyrna Beach two options:

- To not submit the NCP to the FAA for formal review but to continue to use any voluntary land use or operational measures that it has developed and implemented as part of local ordinances and to use the 2009 and 2014 NEMs in ongoing and future planning efforts, such as an Master Plan Update; or

- To submit the proposed NCP for formal FAA review after updating the NEMs based on current operational numbers that are in line with FAA’s forecast.

But Nagy stressed that, in the latter case, there would still be no non-compatible land use and the agency would not be able to approve the NCP.

“FAA believes the City’s NCP document is very thorough and will be a valuable airport planning and noise management tool,” Nagy wrote.

Means No Mandatory Restrictions

“The FAA’s letter basically says you did a great job analyzing your facility but we can’t approve your plan because we don’t see a potential noise problem based on your actual or projected traffic counts. In other words, less planes means less noise,” Airport Manager Rhonda Walker said in a statement to the public.

Without an FAA-approved plan, the airport cannot seek to make its voluntary procedures mandatory, she explained.

In 2008, 179,396 takeoffs and landings were recorded at the facility. In 2011, the count decreased to 128,795. Walker attributes the lower counts to a decrease in flight training traffic, which sharply increased between 2005 and 2008 but then dropped with the onset of the economic recession.

“The Airport understands the concerns residents may have about aviation noise,” Walker said. “That’s why we carefully analyzed aspects that affect noise levels and implemented voluntary noise abatement procedures, which also were recommended and sent to the FAA for their review potentially to make them mandatory.”

The City will follow the FAA recommendation and not submit its plan for official review. However, the plan will continue to serve as a noise-management and land-use planning tool, Walker said.

To develop its Part 150 Noise Study, the City spent four years gathering data on noise levels and air traffic and hosting multiple public workshops before submitting the document for preliminary review.

“Even though the FAA won’t mandate noise abatement procedures, we will continue to remind our pilots of the Airport’s voluntary noise abatement procedures,” Walker added. “It’s the first and possibly ‘key’ step to reducing aviation noise.”

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AIP

FAA SEEKS COMMENT ON DRAFT UPDATE OF AIP HANDBOOK, ORDER 5100-38D

A draft update of Federal Aviation Administration Order 5100-38D, Airport Improvement Program Handbook, was issued by the agency for public comment on Feb. 1. It clarifies statutory requirements, including changes to the AIP statute from the recent FAA reauthorization.

When finalized, the 485-page Order will replace Order 5100-38C, Airport Improvement Program Handbook, issued on June 28, 2005. The updated Order will supersede most Program Guidance Letters (PGLs) issued through Fiscal Year 2012.

Since 2005, there have been substantial changes to the laws and policies relating to the AIP, including the recent FAA reauthorization bill, the FAA Modernization and Reform Act of 2012, FAA explained in its notice.

“To incorporate these changes and provide the most useful and current program guidance to agency employees, the Office of Airport Planning and Programming, Financial Assistance Division has updated and significantly revised the Handbook to maximize its clarity. This update is a fundamental rewrite of FAA Order 5100-38C, the current version of the Airport Improvement Program Handbook. The update clarifies the different responsibilities of the FAA Office of Airports staff and those of the AIP grant sponsor. The basic Handbook includes the requirements for all grant projects and also includes appendices that can be used as a ready-reference for project-specific requirements.”

Public Comment Sought

While the FAA generally does not request public comment on internal orders, the agency said it is offering this opportunity for public comment in recognition of the interest of all segments of the airport community in the AIP.

Comments must be submitted on the AIP Draft Handbook Comment Form, which is available for downloading at: <http://www.faa.gov/airports/>. Comments that are not submitted on the form may be considered only if consideration will not delay agency action on the Order.

Comments on the draft Order must be received on or before March 18.

An electronic copy of draft FAA Order 5100-38 is available at the FAA Airports Web site at <http://www.faa.gov/airports/>

For further information, contact Frank J. San Martin, Manager, Airport Financial Assistance Division, APP-500, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, telephone (202) 267-3181; facsimile: (202) 267-5302; email: frank.sanmartin@faa.gov.

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Hillsboro Airport

CITIZENS GROUP CHALLENGES ORDINANCE REPEALING MUNICIPAL AIRCRAFT CODE

On Dec. 26, 2012, Oregon Aviation Watch (OAW) appealed passage of an ordinance by the Hillsboro, OR, City Council that repeals the subchapter of the city's Municipal Code regulating aircraft operations at Hillsboro Airport on the ground that it is federally preempted.

The citizens group argued in its appeal that federal preemption of regulations on aircraft applies only when aircraft operations occur between states but not when they occur within the same state.

Hillsboro Airport is a major pilot flight training center and the majority of operations are in-state flight training activity which is not federally-preempted from local regulation, OAW asserts.

OAW filed its appeal with the Oregon Land Use Board of Appeals (LUBA), which has not yet determined whether it will consider the case.

The City Council repealed Subchapter 8.32 of City Code, which barred aircraft from flying lower than 1,000 feet over the city (except when taking off and landing); required a permit for flying lower than 1,000 feet; and barred people from

(Continued on p. 15)

LAX

LAWA SUBMITS ITS PART 161 APPLICATION FOR USE RESTRICTION TO FAA FOR APPROVAL

On Jan. 28, Los Angeles World Airport submitted its Part 161 Application for Approval of a Runway Use Restriction at Los Angeles International Airport to the Federal Aviation Administration for review.

If approved, the LAX ban on night departures to the east under certain conditions would be the first restriction on Stage 3 aircraft to be imposed since passage of the Airport Noise and Capacity Act of 1990 (ANCA).

ANCA directed the FAA to promulgate its Part 161 Regulations on Notice and Approval of Airport Noise and Access Restrictions, which have proven to be effective in blocking the imposition of new airport noise restrictions in the United States for over two decades.

Upon receipt of LAWA's Part 161 application, FAA must first deem it "complete," which the agency has 30 days to do. If the FAA deems the application to be "incomplete," it will specify where it is deficient and LAWA would then have to revise and resubmit so it can be deemed complete.

Once that is done, FAA has 150 days to approve or disapprove the application.

(Continued on p. 16)

In This Issue...

Hillsboro Airport ... Citizens group challenges City Council action repealing section of city code regulating aircraft operations; asserts that local regulation of in-state aircraft operations is not federally preempted - p. 14

LAX ... LAWA submits to FAA for approval its Part 161 application making mandatory a voluntary night runway use restriction on operations to the east - p. 14

Helicopters ... Legislation to control helicopter noise over Los Angeles is reintroduced in House, Senate by California Democrats - p. 15

Paine Field ... Cities of Mukilteo, Edmonds, WA, file suit in U.S. Court of Appeals for Ninth Circuit challenging FAA approval of commercial service at Paine Field - p. 16

New Briefs ... FAA reviewing proposed Part 150 program for Tweed New Haven Regional Airport; approves airport's noise exposure maps - p. 17

Hillsboro, from p. 14

dropping items from planes unless for approved activities, such as crop-dusting.

As a result of the City Council's action, "there is now virtually no code whatsoever in place within the city to regulate the impacts of aviation activity on the community," OAW said.

The Port of Portland owns and operates Hillsboro Airport, which is the busiest general aviation airport in Oregon. The airport is located in Hillsboro.

"Numerous residents both within Hillsboro and in surrounding communities are routinely adversely affected by the noise, pollution, safety, and security risks generated by this facility and other airport activity within the area," OAW said in a statement.

In his public comments, Oregon Aviation Watch Vice-President Dr. James Lubischer told the City Council that "The Hillsboro Airport emits nearly a ton of lead into our community each year" pointing out that "ADHD and lower IQ's have been associated with lead pollution" and noting that "Recent research is showing that even very, very low levels of lead in a child's blood contribute to ADHD."

The City opted to characterize Ordinance 6037 as a legislative housekeeping measure rather than a land use issue, OAW said. As a result no public hearing was held. OAW disagrees with the City's characterization of the ordinance and believes it is a land use matter that should have included a public hearing.

"Unlike Hillsboro, other jurisdictions have taken a more proactive stance towards protecting communities from the encroachment of aviation activity," OAW said.

"For instance, the City of Portland's municipal code sets limitations on expansion at Portland International Airport, the largest commercial airport in Oregon, by including a provision prohibiting additional runways at PDX. Similarly, Santa Monica Airport, a general aviation facility with less than half as many annual operations as HIO, has taken steps to protect their community from adverse aviation impacts by banning all helicopter training, placing restrictions on noise levels, and limiting hours of operations. SMO's noise regulations are enforceable rather than voluntary in nature. Sanctions for violating the code include fines ranging from \$2,000 to \$10,000. Repeat offenders risk losing their privileges and permits."

"The above examples clearly demonstrate that local jurisdictions have the ability to protect area residents from the adverse impacts of airport activity. Nonetheless, the City of Hillsboro has intentionally chosen to relinquish its authority rather than advocate on behalf of the greater good," OAW asserted.

Federal Preemption

Hillsboro's "Legal Analysis" on Ordinance No. 6037 claimed that "federal law has preempted regulation by local governments with respect to airspace use and management, traffic control, safety and the regulation of aircraft noise."

But OAW argued that "a review of case law and other legal documents on the federal preemption issue, however, reveals that local jurisdictions do have the authority to enact noise and environmental regulations intended to protect the health and well-being of their citizenry."

The group cited a 2001 decision by the U.S. Court of Appeals for the Second Circuit in *SeaAir NY, Inc. v New York City* in which the court held that the City's regulation prohibiting sightseeing air tours from a city-owned seaplane base in order to reduce noise impact did not violate the Supremacy Clause, and that SeaAir's rights to due process or equal protection under the law were not violated (2d Cir.; 250 F.3d 183).

SeaAir argued that its air tour operations were preempted by federal statute but the Court disagreed.

According to the Second Circuit Court's ruling, federal preemption does not apply to flights unless they are engaged in "interstate air transportation," which is defined as "the movement of passengers or mail between one state and another." The Court determined that a sightseeing tour that begins and ends in the same place without crossing state boundaries does not meet these criteria, OAW told LUBA.

It said the *SeaAir* ruling is directly applicable to the Hillsboro Airport where the vast majority of the 220,000 annual take-offs and landings are flight-training operations.

"As such they originate and end at the same airport just as a sightseeing tour does. Additionally, they do not cross state boundaries. Thus federal preemption does not apply. The City of Hillsboro does indeed have legal authority to regulate flight training activity at the Hillsboro Airport to improve the quality of life for residents of Hillsboro and Washington County," OAW told LUBA.

Legislation**BILL TO CONTROL HELICOPTER NOISE OVER L.A. REINTRODUCED**

Legislation to control helicopter noise over Los Angeles died last year when its chief proponent, former Rep. Howard Berman, lost his seat in Congress.

But fellow California Democrats Sens. Dianne Feinstein and Barbara Boxer, joined by Rep. Adam Schiff, reintroduced the legislation on Feb. 4.

The Los Angeles Residential Helicopter Noise Relief Act would require the FAA to exercise its legal authority to set guidelines on flight paths and minimum altitudes for helicopter operators in residential areas in Los Angeles County within 12 months of being signed into law.

In addition to reducing noise, the bill would increase safety and minimize commercial aircraft delays while exempting first responders and military aircraft from its limitations.

Sen. Feinstein and Rep. Schiff said they hope their legislation will prompt the FAA to act, and if passed, will require

the agency to finally address numerous resident complaints.

They were joined by other Los Angeles congressional colleagues, including Congressmen Henry Waxman (D-CA) and Brad Sherman (D-CA).

“Los Angeles area residents living in Glendale, Pasadena, the Valley, the Hollywood Hills, West Hollywood and other areas are especially affected by intrusive, disruptive and often non-emergency related helicopter traffic above their neighborhoods,” Rep. Schiff said in a statement.

“The terrain of canyons around the Rose Bowl concentrates low-flying helicopter noise to high levels, and Hollywood Hills and West Hollywood residents frequently suffer from noise generated by celebrity news media that follow stars to the beach, the grocery store, or for court appearances. The residents in these areas deserve peace and quiet, and if the FAA won’t act, Congress must pass this legislation to give residents the relief they need.”

Said Sen. Boxer, “This legislation will ensure that the FAA sets responsible guidelines that allow helicopters to continue to operate above Los Angeles while protecting residents from excessive noise associated with low-altitude flights.”

“I hear complaints about helicopter noise from every part of the 33rd District –from Malibu to Brentwood to Benedict Canyon,” added Rep. Waxman. “FAA regulation of the thunderous helicopter traffic over LA is long overdue. And if the FAA won’t act, Congress must.”

Last year, Rep. Schiff and Sen. Feinstein wrote to Department of Transportation Secretary Ray LaHood urging him to form a working group FAA to solicit input from local communities and stakeholders on helicopter noise and safety issues across Los Angeles County.

For the past year, that working group has been meeting with local residents, stakeholders and officials to discuss ways to move forward and adequately address the concerns and complaints of affected residents.

Last fall, hundreds of L.A. residents voiced their frustration with helicopter noise at a hearing in Sherman Oaks on the issue.

LAX, from p. 14

The agency also will issue a Federal Register notice opening a public docket to receive public comment on LAWA’s application.

LAWA expects its Part 161 application to be found complete and to be approved by the FAA.

“As demonstrated in our application, the proposed runway use restriction meets all statutory conditions for approval,” LAWA Airport Environmental Manager Scott Tatro told FAA in his cover letter accompanying the voluminous Part 161 application, which LAWA began working on in 2005.

Last November, LAWA released for comment its Part 161 study seeking to restrict easterly departures of all aircraft at LAX, with certain exemptions, between midnight and 6:30 a.m. when the airport is in over-ocean operations or when it

is in westerly operation during these hours (24 ANR 164).

The restriction, which makes mandatory a current voluntary runway use program, is being sought to reduce the nighttime noise burden on communities east of LAX.

But the airlines and cargo carriers argued in comments to LAWA that the voluntary program has been successful and making it mandatory is not necessary (25 ANR 1).

Airlines for America and the Cargo Airline Association called LAWA’s proposed restriction, which includes enforcement and penalty provisions, unreasonable, unnecessary, unworkable, and unduly burdensome (25 ANR 1). But communities surrounding LAX strongly support it.

LAWA’s Part 161 application can be downloaded and viewed at <http://www.laxpart161.com/en/index.html>. Click on “Application for Approval of a Runway Use Restriction” link in the blue menu on the left side of the page.

Board Approves Modernization Project

In related news, the LAWA Board of Airport Commissioners on Feb. 5 approved several projects to modernize LAX, including moving the northernmost runway 260 feet closer to the community of Westchester in order to add a taxiway capable of handling supersized jets.

Despite ardent pleas from the commissioner who represents Westchester, the Board voted six to one to move the runway. A community group in Westchester has vowed to challenge the Board’s action on the ground that the project violates state environmental law.

Litigation

CITIES CHALLENGE APPROVAL OF AIRLINE SERVICE AT PAINE

On Jan. 31, the cities of Mukilteo and Edmonds, WA – joined by a citizens group and two individuals – filed notice in federal appeals court of their intent to challenge the Federal Aviation Administration’s approval of commercial airline service at Paine Field.

City of Mukilteo, Washington, et al v. USDOT, et al (No. 13-70385) was filed in the U.S. Court of Appeals for the Ninth Circuit in California. No dates have been set yet in the case.

Last December, FAA issued a Finding of No Significant Impact and Record of Decisions (FONSI/ROD) approving commercial passenger service at Paine Field, where both Allegiant Air and Horizon Air have expressed interest in operating.

FAA concluded in an Environmental Assessment that the addition of the 23 flights per day over the next five years proposed by Allegiant and Horizon would not significantly increase noise, traffic, or pollution in communities near the airports.

The additional of commercial airlines service at Paine Field has long been a contentious issue. Opponents of com-

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mercial service, including other small cities near the airport, fear the additional of commercial service will have significant noise and traffic impacts. Proponents, including the City of Everett, argue that expansion of the airport is needed for economic growth.

Barbara Lichman of the Irvine, CA, law firm Buchalter Nemer, who represents Mukilteo in its lawsuit, asserted in comments to the FAA that its Final EA on the Paine Field project included the following errors:

- Impermissibly segmenting analysis of the three components of the project: (1) the addition of air service by Horizon and Allegiant, (2) changes to the operating certificate for Paine Field to allow unlimited operation of commercial aircraft, and (3) construction of a new modular terminal. The impact of these components was analyzed without regard to their reasonably foreseeable aggregated impact;
- Limiting the analysis of the terminal expansion to consider only a new 29,350-square foot modular terminal but omitting consideration of a 30,000-square foot permanent terminal included in the Airport Layout Plan;
- Declining to analyze the potential for future increased commercial aircraft operations over and above those by Allegiant and Horizon on the ground that they are not ‘reasonably foreseeable’ but the airport’s Master Plan already anticipates much greater levels of operation than are analyzed in the Draft and Final EA;
- “Skewing” the baseline for analysis by “piecemealing the project” so that future environmental review, if needed, will be based on “existing conditions”;
- Failing to adequately analyze the project’s potential noise and air quality impacts or propose reasonable measures to mitigate them; and
- Declining to prepare a full Environmental Impact Statement on the project.

In Brief...

FAA Reviewing Tweed Part 150

FAA announced Feb. 6 that it has approved noise exposure maps for Tweed New Haven Regional Airport in Connecticut and that it is reviewing a proposed Part 150 Airport Noise Compatibility Program for the airport.

The Part 150 program will be approved or disapproved on or before May 25.

For further information, contact Richard Doucette, FAA New England Region, Airports Division, ANE-600, 12 New England Executive Park, Burlington MA 01803. No telephone number or e-mail address was provided.

AIRPORT NOISE REPORT

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Airport Noise Report



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ICAO

CAEP RECOMMENDS MORE STRINGENT AIRCRAFT NOISE CERTIFICATION STANDARD

The International Civil Aviation Organization's Committee on Aviation Environmental Protection (CAEP) has recommended adoption of a more stringent aircraft noise certification standard for new aircraft type designs.

The new standard would reduce the noise from new type design aircraft by 7 EPNdB (Effective Perceived Noise Level in Decibels) relative to the Chapter 4/Stage 4 standard, which was adopted by ICAO in 2001 and became effective in 2006.

The new standard would go into effect in 2017 for large aircraft and in 2020 for small aircraft (below 55 tons).

CAEP also made important progress at its meeting in Montreal the week of Feb. 4 on the certification procedures supporting a new CO2 standard for aircraft.

The recommendations agreed to by CAEP will now be forwarded to the Council of ICAO for review and action during its sessions this spring.

"This new noise standard is an important step for aviation and will provide a

(Continued on p. 19)

Ann Arbor Municipal

TOWNSHIP, COMMUNITY GROUP PETITIONS DOT TO END FUNDING OF RUNWAY EXTENSION

Pittsfield Charter Township, MI, and a 400-member community group filed a petition Jan. 28 with the Secretary of Transportation demanding an end to federal funding of an extension of the main runway at Ann Arbor Municipal Airport (ARB) to increase safety.

The airport is owned and operated by the City of Ann Arbor, MI, but is located entirely within Pittsfield Township.

Pittsfield and Community for Preserving Community Quality, Inc. (CPCQ) argued in their petition that neither the Michigan Department of Transportation (MDOT) nor the Federal Aviation Administration has given the communities' interest "fair consideration" as required under federal law.

They said that the airport's expansion plans do not comply with those of the surrounding communities and that extending the main runway from 3,400 feet to 4,300 ft. would increase safety concerns about low-flying aircraft near homes in the surrounding densely-populated communities.

The petitioners also asserted, "Although the City of Ann Arbor has touted this

(Continued on p. 20)

In This Issue...

ICAO ... CAEP recommends that ICAO adopt a tighter noise certification standard for new aircraft type designs that is 7 EPNdB more stringent than Chapter 4/Stage 4 and would go into effect in 2017 for large aircraft and in 2020 for small aircraft under 55 tons - p. 18

Drones ... FAA is preparing for the expanded use of drones in civil aviation. The agency is soliciting proposals for 16 test sites and wants public input on privacy issues; TRB will develop a primer to help airports of all sizes and their stakeholders understand the use and potential impacts of this major step in innovation of the aviation system - p. 19

Ann Arbor Municipal ... Township, community group file petition with DOT demanding end to federal funding of runway extension project; asserting FAA noise policy no longer reflects best scientific evidence on the effects of airport noise exposure - p. 18

ICAO, from p. 18

much quieter environment for the many communities living in proximity to the world's airports," commented ICAO Secretary General, Raymond Benjamin.

"ICAO is encouraged that, while it took air transport more than 20 years to agree to the last significant noise reduction standard, this one has been determined in less than half that time. This progress confirms our community's continued determination to deliver on tangible and consensus-based environmental improvements."

ANR has not yet learned what current production aircraft/engine combinations will meet the new noise standard.

Airlines Applaud CAEP Action

Airlines for America commended CAEP for its development of a new aircraft noise standard and for reaching the second of three milestones in the development of a first-of-its-kind carbon dioxide (CO₂) standard for new aircraft.

"Our industry has a tremendous record of reduced noise and emissions, and we are committed to continuing that trend," said Nancy Young, A4A Vice President, Environmental Affairs, in a Feb. 14 statement.

"Federal Aviation Administration statistics demonstrate that we have reduced the number of people exposed to significant levels of aircraft noise in the United States by more than 90 percent since the late 1970s, even as we have tripled enplanements," Young added.

"CAEP's recommendation of this new standard, which is even more stringent than the cost-effectiveness analysis supported, will bring further, significant noise reductions from the next generation of aircraft."

The Airports Council International (ACI) had advocated for a new ICAO standard of Chapter 4 minus 9 dB, which is more stringent than what CAEP recommended. But Katherine Preston, Director of Environmental Affairs for ACI-North America, said that ACI "fully supports CAEP's recommendation on the new noise standard of Chapter 4 minus 7 dB, to be implemented at the end of 2017."

"New airport infrastructure will be required globally to accommodate passenger growth in the future, and the stricter noise certification standard is not only vital to addressing community noise concerns, it is also essential to obtaining community permission to operate and to continue to develop airport infrastructure," Preston told ANR.

"ICAO noise standards ensure that the latest aircraft noise reduction technology is continually incorporated into the production of new aircraft. We are also pleased with the shorter time frame between the last CAEP noise certification standard (agreed to in 2001) and this most recent one. ACI-NA hopes CAEP will consider noise standards more frequently in the future."

Progress on CO₂ Standard

CAEP also made significant progress in its work to develop a CO₂ standard for new aircraft, agreeing on the certifi-

cation procedures that would be used for such a standard.

"Having completed the first two steps in creating a new environmental standard for aircraft, agreement to a metric system last summer and certification procedures at this CAEP meeting, CAEP can now turn to considering and assessing the stringency levels for the future standard," A4A's Young explained.

"We commend the work of the Committee on Aviation Environmental Protection for its part in ensuring that ICAO continues to demonstrate leadership in setting environmental standards for global aviation," she added.

ICAO said the new CO₂ certification procedures "represent another step towards a practical and comprehensive CO₂ standard for aircraft."

"By achieving this new and unanimous agreement through the CAEP, ICAO is continuing to demonstrate its commitment to establishing effective consensus on CO₂ progress for global aviation," commented ICAO Council President, Roberto Kobeh González.

"We are now looking to the CAEP's wide cross-section of air transport experts to get to work on the last agreements needed to realize the aircraft CO₂ standard, namely its stringency and scope of applicability."

ACRP**PRIMER TO HELP AIRPORTS LEARN ABOUT USE, IMPACTS OF DRONES,**

The development of a primer to help airports of all types and sizes and their stakeholders understand the potential use and impacts of Unmanned Aircraft Systems (UAS) is the goal of a new Airport Cooperative Research Project.

The Transportation Research Board is seeking a contractor for the \$150,000, 10-month project. The deadline for responding to the TRB's Request for Proposals is April 2.

TRB specifies 16 areas of consideration it wants the primer on UAS to address, including environmental impacts, land use compatibility, and grant assurances.

"The FAA and other stakeholder agencies are working to safely integrate Unmanned Aircraft Systems into the National Airspace System (NAS). Currently the FAA prohibits commercial use; however, public entities are allowed to operate under a Certificate of Authorization or Waiver (COA) and civil entities under special airworthiness certificates," TRB explained in its RFP.

"As UAS operations become more common, public airports will begin to receive increased requests to utilize their facilities. There are many factors that will influence airport operations. Therefore, an initial review and analysis of current UAS operations would be helpful to airports and other stakeholders."

The RFP is available at <http://apps.trb.org/cmsfeed/TRBNetProjectDisplay.asp?ProjectID=3443>

Drones Raise Legal Issues

Under the FAA Modernization and Reform Act of 2012, P.L. 112-95, Congress tasked the FAA with integrating unmanned aircraft systems into the national airspace system by September 2015.

“Although the text of this act places safety as a predominant concern, it fails to establish how the FAA should resolve significant, and up to this point, largely unanswered legal questions,” Alissa Dolan and Richard Thompson of the Congressional Research Service wrote in their Jan. 30 report, “Integration of Drones into Domestic Airspace: Selected Legal Issues.”

“For instance, several legal interests are implicated by drone flight over or near private property. Might such a flight constitute a trespass? A nuisance?” they asked.

In a 2009 article in the *North Dakota Law Review*, Geoffrey Rapp, Associate Professor, University of Toledo College of Law, said that law enforcement agencies “may operate UAVs below traditional flight paths of civil aviation, raising trespass claims. Low flying UAVs [Unmanned Aerial Vehicles] that cause noise, light, air pollution, or vibration might lead to valid nuisance claims by homeowners.”

Regarding environmental concerns about UAVs, he wrote, “Various legal avenues exist by which local governments and preservation groups could bring civil actions seeking injunctions to stop law enforcement agencies from operating UAVs in ways that raise environmental concerns.

“Where federal agencies utilize UAVs in law enforcement roles, the National Environmental Policy Act (NEPA) requires agencies to consider the environmental consequences of their actions. Private citizens may seek to compel a federal agency to comply with NEPA by seeking judicial review of agency decisions under the Administrative Procedure Act.

“Other environmental statutes also provide citizen-suit remedies. Where noise pollution from UAVs threatens human health, citizen actions would also be permitted under the Noise Control Act. Where UAV use threatens wildlife, citizen-suits might be permitted under the Endangered Species Act.”

FAA To Select Test Sites

The FAA announced Feb. 14 that it is soliciting proposals from state and local governments, eligible universities, and other public entities to develop six unmanned aircraft systems (UAS) research and test sites around the country.

Congress directed the FAA to establish this program to conduct critical research into how best to safely integrate UAS systems into the national airspace over the next several years and what certification and navigation requirements will need to be established.

“The expanded use of UAS represents a major next step in aviation innovation and will present economic opportunities both for the communities that are selected for this pilot program and for the aerospace industry in general,” the FAA said adding, “The introduction of these systems into the airspace will also require ensuring that privacy is appropriately

protected.”

FAA said it is sending a notice to the *Federal Register* asking the public to review draft privacy language it developed and provide comments on it.

Under the FAA privacy proposal, each test site operator must ensure that its privacy policies are informed by Fair Information Practice Principles, a widely accepted framework of privacy principles at the core of numerous federal and state privacy laws.

Prior to the close of the *Federal Register* comment period, the FAA will host an online listening session to solicit additional comments on the proposed privacy approach. The agency will publish a notice providing details for the listening session sufficiently in advance with full details.

The FAA anticipates selection of the six test sites will occur later this year.

Ann Arbor, from p. 18

extension as needed for ‘safety, the City has failed to link any ‘purpose or need’ for the runway extension as required by federal law.

“Any aircraft that cannot be accommodated at the airport can be safely accommodated at Willow Run Airport, a mere 12 miles from Ann Arbor Municipal Airport,” they told DOT in their petition.

Pittsfield Township and CPCQ also argued that extension of the runway will cause significant environmental impacts on the surrounding communities. Primary among these impacts is the increase in noise that the surrounding communities will experience.

Noise Impact Not Analyzed

“Although the Michigan Department of Transportation was required to analyze the increase in noise, it has, so far, failed to do so,” Steven Taber, of the Taber Law Group in Irving, CA, who represents the petitioners, said in a blog post announcing the petition.

“The evidence is clear that the Project will cause an increase in both jet and night operations. It is also reasonably foreseeable that these added high-performance jet aircraft operations and night operations will be accompanied by significant noise and air quality impacts,” the petition states.

“Nevertheless, ARB and MDOT have failed to acknowledge, let alone analyze, these reasonably foreseeable impacts caused by expansion of airport physical facilities and operational profile and, thus, the Project should not be approved for federal funding,” the petitioners argued.

They also asked in their petition that DOT inform MDOT “that Pittsfield, as the municipal jurisdiction in which the airport sits, must be consulted and its approval obtained prior to any activities taken that will increase or alter operations at the airport.”

Asked what federal law requires such approval, Taber told ANR: “49 USC 47106(b)(2) which states that before any federal funding of an airport development project can take

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place, the “Secretary must be satisfied that ... the interests of the community in or near which the project may be located have been given fair consideration.”

“In addition, Grant Assurances 6 and 7 indicate that airport development projects must be consistent with local plans (No. 6) and “fair consideration to the interest of communities in or near where the project may be located” must be given (No.7).

Pittsfield and CPCQ asked the Secretary of Transportation not to permit MDOT to use any federal funds to pay for the extension of the runway.

FAA Noise Policy Outdated

In the petition to DOT, Taber was sharply critical of FAA’s noise policy and its reliance on the 65 dB DNL threshold of significant impact, which he said has remained essentially unchanged since 1978 and “no longer reflects that best scientific evidence on the effects of airport noise exposure.”

“This failure on the part of the FAA to update its policy undermines the trust that the public places in the FAA in their pursuit to understand noise exposure and its effects. This is particularly true since substantial research done on the measurement and effect of aircraft noise on the communities surrounding airports has come from sources outside the United States.

“... The emerging research suggests that current standards used by the FAA are outdated and underestimate the significant health risks posed by aircraft noise. The current understanding of the health effects of aircraft noise goes beyond mere annoyance and sleep disturbance, which the current DNL protocols were meant to address. The new research shows a strong correlation between aircraft noise and significant, serious health outcomes, such as hypertension and heart disease.”

Taber asserted that there is “no shortage of relevant, topical information for ARB, MDOT and the FAA to use in assessing the health risks and impacts of noise on the communities surrounding ARB.”

“It is readily apparent that the current system does not fully account for the increased health risks communities surrounding airports are subject to due to the increased noise levels. FAA needs to re-evaluate its noise modeling and insist that health risks to the surrounding communities be assessed prior to ARB receiving federal funds for any expansion that will result in an increase in aviation operations.”

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FAA

PGL ANNOUNCES PILOT PROGRAM TO FUND REDEVELOPMENT OF AIRPORT NOISE LAND

On Feb. 14, the Federal Aviation Administration issued Program Guidance Letter (PGL)13-04 announcing a Pilot Program for Redevelopment of Airport Properties (Acquired Noise Land).

Under the pilot program, up to four eligible public use airports that have an FAA-approved Part 150 airport noise compatibility program may apply to the agency to receive discretionary Airport Improvement Program (AIP) grants of up to \$5 million each.

A total of \$20 million was authorized for the pilot program in the FAA Modernization and Reform Act of 2012. The funding will be drawn from the AIP noise set-aside.

Airports have until Jan. 15, 2015, to submit applications, with supporting documentation, to participate in the pilot program. FAA's authority to issue grants for the program sunsets on Sept. 30, 2015.

In addition to grant funding, an eligible airport may submit a Passenger Facility Charge (PFC) approval request to the FAA to fund allowable costs.

(Continued on p. 23)

Environmental Review

TASK GROUP IDENTIFIES POTENTIAL WAY TO COMPLY WITH CATEX2 PROVISION FOR PBN

A Task Group of the NextGen Advisory Committee told the NAC at its Feb. 7 meeting in Salt Lake City that it has identified a potential way to comply with the so-called "CatEx2" provision of the FAA Modernization and Reform Act of 2012 that seeks to accelerate the introduction of NextGen Performance-based Navigation (PBN) procedures by giving them a Categorical Exclusion (CatEx) from environmental review.

Section 213(c)(2) of Act states that any PBN procedure that the FAA Administrator determines "would result in measurable reductions in fuel consumption, carbon dioxide emissions, and noise, on a per flight basis, as compared to aircraft operations that follow existing instrument flight rules procedures in the same airspace, shall be presumed to have no significant affect on the quality of the human environment and the Administrator shall issue and file a categorical exclusion for the new procedure."

FAA told the NAC last September that it has not been able to identify a "technically sound approach" to measuring reductions in noise *on a per flight basis*, as required in the CatEx2 provision, using DNL, the agency's noise metric for deter-

(Continued on p. 24)

In This Issue...

PGL ... FAA Program Guidance Letter announces a \$20 million pilot program to fund redevelopment of land acquired for noise compatibility purposes at up to four airports working in partnership with communities - p.22

CatEx2 ... NAC Task Group may have found a way to comply with CatEx2 provision in FAA reauthorization bill - p. 22

LaGuardia ... NY reps want FAA to gather field data on noise level of controversial RNAV departure procedure over Queens - p. 23

Boston Logan ... Town of Dedham, MA, under flight path for proposed RNAV departure, concerned about safety, noise impacts - p. 23

ICAO ... NBAA lauds action taken by CAEP on noise, emission standards - p. 24

Noise Maps ... FAA approves noise exposure maps for Nashville, SW Florida International airports - p. 24

PGL, from p. 22

FAA will fund 80 percent of the pilot program; the airports must fund the remaining 20 percent but can use PFCs for that purpose. Airports may use only AIP grants and PFC funds to fund allowable costs for their pilot program.

To be eligible to participate in the pilot program, airports must be working in partnership with a neighboring jurisdiction on their pilot program project.

“The airport sponsor shall use the AIP grant funds made available for the pilot program only in partnership with neighboring jurisdictions. The sponsor must show that the joint redevelopment plan and proposed pilot grant is made to enable both the airport sponsor and the neighboring jurisdictions to expedite the beneficial airport compatible redevelopment of the acquired noise land,” the PGL stresses.

The local jurisdiction also must have existing zoning, land use, and development controls in place that enable airport compatible development and prevent incompatible development.

The PGL is available at http://www.faa.gov/airports/aip/guidance_letters/

LaGuardia**NY REPS WANT FIELD DATA ON NOISE LEVEL OF RNAV DEPARTURE**

Newly-elected congresswoman Grace Meng (D-NY) and Rep. Steve Israel (D-NY) want the Federal Aviation Administration to reevaluate its decision to make permanent an RNAV departure procedure at LaGuardia Airport that has caused noise problems in Queens.

“Although the FAA performed an environmental review of the new routes during the trial period from February through August [2012], we believe that in-field noise testing would help clarify our constituents’ experience,” the congressional representatives told FAA Administrator Michael Huerta in a Feb. 11 letter.

“We understand that your noise-pollution testing is done by simulation, and believe the residents of our communities would be better informed if they had concrete data provided by the FAA.”

The letter continues: “On February 13, 2012, the FAA instituted a six-month trial period of new flight routes, which redirected many departures over residential neighborhoods in Queens, including Bayside, Whitestone, and Flushing. We understand that this effort originated as an attempt to reduce air-traffic congestion around John F. Kennedy International Airport, and would allow increased departures and arrivals at JFK.

“Since the route changes were officially put into effect last year, our constituents have noticed a marked increase in the frequency of flights from LaGuardia and the level of noise pollution in the area.

“The new routes were implemented without the consultation of local elected officials and constituents, an oversight that Carmine Gallo, the FAA Regional Administrator, acknowledged at an FAA briefing for local officials on January 18, 2013.

“While we recognize the value of increased flights from JFK, we urge you to review the newly-instituted flight plans to help provide our constituents relief from the increased noise pollution. An engaging dialogue is overdue between the FAA, our local elected officials in Queens, and our constituents, whose lives have been affected.

“While we acknowledge that there is no perfect solution to airspace congestion, we believe that our constituents have been unfairly and unexpectedly burdened.

“We hope that the FAA is able to produce a more balanced plan that would alleviate the noise pollution for our constituents and restore the quality of life in our neighborhoods.”

Boston Logan Int'l**TOWN CONCERNED ABOUT NOISE, SAFETY IMPACTS OF BOS RNAV**

The Town of Dedham, MA, is concerned about the safety and noise impacts of a proposed RNAV departure procedure at Boston Logan International Airport that will move traffic over the community, located west of the airport.

“The departure of jets leaving Logan and flying directly over Dedham and some of our neighboring communities will result in a significant change in the noise level that these communities have enjoyed over many years,” Town Administrator William Keegan told the FAA.

Departing jets flying directly over Dedham also create a “threat level from a possible flight accident that could possibly occur over this community,” he wrote on behalf of the Town Board.

“Use of the NextGen technology also raises our communities’ level of concern relating to safety until the new technology is proven to be safely employed,” Keegan wrote.

His comments were in response to FAA Draft Environmental Assessment on the proposed RNAV departure from Logan’s Runway 33 Left, which was released for public comment on Jan. 14 (25 ANR 10).

The DEA concluded that the proposed RNAV departure would have no significant environmental impact. It was designed as closely as possible as an overlay to the current conventional departure path.

However, some areas, such as Dedham, will have the flight path moved over them.

“As this process continues to move forward, the Town would like to continue to participate in the dialogue so that we can further understand the impacts that these proposals might have on our community.

“We also want to explore alternative approaches that

could help the process reach a more acceptable conclusion as we fully respect the need to address the growing level of interest in air traffic and the economic impacts of making Boston and this regional accessible on a world-wide scale.”

Part 150 Program

FAA APPROVES NOISE MAPS FOR SW FLORIDA, NASHVILLE INT’L

The Federal Aviation Administration recently announced its determination that noise exposure maps for Southwest Florida International Airport in Fort Myers, FL, and Nashville International Airport meet federal requirements.

Approval of the Southwest Florida International noise maps was announced on Feb. 8. Further information on the maps can be obtained from Allan Nagy in FAA’s Orlando Airports District Office; tel: 407-812-6331.

Approval of Nashville’s maps was announced on Feb. 12. For further information on them, contact Phillip Braden in FAA’s Memphis Airports District Office; tel: 901-322-8181.

ICAO

NBAA LAUDS CAEP WORK ON NOISE, EMISSIONS STANDARDS

The National Business Aviation Association on Feb. 18 lauded action taken by the International Civil Aviation Organization’s Committee on Aviation Environmental Protection to limit aircraft-carbon emissions and continue to reduce noise levels in the near term.

CAEP wrapped up its current three-year assignment from ICAO on Feb. 14 with recommendations for creating both a metric and standards on carbon-dioxide emissions, and for reducing noise levels emitted by aircraft between now and 2020, NBAA noted.

“These accomplishments highlight a spirit of global cooperation among nations when it comes to aviation policymaking,” said NBAA President and CEO Ed Bolen.

“Our Association, along with the International Business Aviation Council and the General Aviation Manufacturers Association, worked diligently with these groups to create standards that are technically and economically feasible, as well as environmentally beneficial.”

The CAEP Working Group on noise reduction was tasked in 2010 with revising Annex 16 to the Chicago Convention, which outlines standards for noise reduction, and governs civil aviation worldwide.

“After extensive technical and economic analysis, the Working Group, made up of representatives from countries and companies from around the world, recommended a new standard, Chapter 14, for airplanes. The new standard calls for a seven-decibel reduction (-7 EPNdB) in noise generated

by large aircraft (larger than 55 metric tons) built after 2017, and a similar reduction in noise generated by smaller aircraft built after 2020,” NBAA explained.

“The Working Group realized that a seven-decibel reduction would be more difficult to achieve for manufacturers of smaller aircraft, and that more time would be needed for compliance,” Bolen said.

“That’s why they have three more years for research, development and testing, to ensure they can meet the standard while maintaining the high levels of quality that are the hallmarks of the general aviation industry.”

CatEx, from p. 22

mining compliance with the National Environmental Policy Act (24 ANR 128).

The FAA asked the NAC to form a Task Group, comprised of representatives of airlines, airports, and community stakeholders to determine if it can find a way to comply with the CatEx2 provision and, if not, to recommend ways to streamline the environmental review process for PBN procedures.

The approach to complying with the CatEx2 procedure that the Task Group is in the process of developing and refining has been dubbed the “Modified Contour Overlay.” It would still rely on the FAA’s preferred DNL noise metric.

It uses a grid analysis to show what the population exposure to various DNL noise levels would be with and without a PBN procedure. That would allow communities to see the number of people that would get increases, decreases, or no change in noise level in 5 dB increments ranging from 45-50 DNL to 75-80 DNL.

The outline of the Task Group’s presentation of its “Modified Contour Overlay” is available on the RTCA website. It is included in the memo of the NAC’s Salt Lake City meeting.

The memo is available at:
http://www.rtca.org/CMS_DOC/NAC%20February%207%20mtg%20agenda%20and%20presentation.pdf

The Task Group told the NAC that its potential approach to complying with the CatEx2 provision is a two-step process for assessing noise on a per-flight basis, as required by CatEx2.

The first step is to determine the noise-sensitive “area of concern.”

The Task Group noted that FAA’s Environmental Order 1050.1E identifies evaluation of changes in DNL to levels as low as DNL 45 dB and that FAA also suggests DNL 45 dB is the lower limit of the Integrated Noise Model’s computational reliability.

The second step in the process is to determine the “change in contribution to DNL on a per-flight basis, by Detailed Grid Computations, comparing existing procedure to proposed procedure at noise-sensitive locations.”

Using DNL as the metric would provide consistency with FAA policy, the Task Group told the NAC. It said an option

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would be to use the Sound Exposure Level (SEL) metric. However the Task Group determined that approach “raised issues/problems with acceptance that DNL would not,” according to the NAC memo.

Key Issues

The Task Group told the NAC that it has identified four key issues that must be considered in determining whether to recommend the Modified Contour Overlay approach to complying with CatEx2.

Key Issue 1: The approach requires a noise analysis to show the noise benefit of a PBN procedure, which will take time and resources to prepare.

It takes an average of eight weeks for approval of a regular CatEx provided in FAA’s environmental order. Is it “acceptable” for the CatEx2 process to take somewhat longer than that, the Task Group asked.

It noted that it takes approximately 18 months to prepare an Environmental Assessment, which requires analysis of all environmental effects; not just noise. If the CatEx2 approach can save significant time (e.g. a year or more) and resources, is that reasonable, the Task Group asked.

Key Issue 2: “Most projects involve multiple procedures to different runway ends, all in the same airspace quadrant, but this metric works best for a single procedure.”

“It is possible for one [PBN] procedure to meet the CatEx2 terms using this metric, while another (even the same procedure to different runway end) might not,” the Task Group told the NAC, stressing that this would raise issues of segmentation of a project and cumulative impacts.

Key Issue 3: “Should existing NEPA significance criteria be applied (i.e., no increase in DNL of 1.5 dB within DNL 65) before CatEx2 and this metric can be considered?”

Key Issue 4: “Although this approach uses the accepted metric of DNL, it may be somewhat difficult to explain to communities and therefore be a cause of concern.”

While these issues need to be addressed, the Task Group told the NAC that it has not identified any other technical approach for complying with CatEx2.

The Task Group is in the process of conducting additional research and analysis of its potential approach to meeting CatEx2 and told the NAC that it will “consider policy implications of recommended metric (if any) or alternative routes to meet Congressional intent of expediting NextGen implementation.”

At a March 19 meeting, the Task Group will develop its final recommendation, which will be presented to the NAC on June 4.

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Airport Noise Report



A weekly update on litigation, regulations, and technological developments

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AIP

DOT TELLS CONGRESS AIP NOISE SET-ASIDE IS ‘VITALLY IMPORTANT’ TO NOISE MITIGATION

The Department of Transportation staunchly defended the Noise Set-Aside in the Airport Improvement Program (AIP) in a recent letter to Congress sent in response to a Government Accountability Office (CAO) report that questioned whether the Noise Set-Aside will remain relevant in the future.

“The Noise Set-Aside within the AIP remains a vitally important part of the FAA’s capability to mitigate noise to a level that does not constrain the growth of the nation’s air transportation system,” DOT Assistant Secretary for Administration Brodi Fontenot wrote in Dec. 12, 2012, letter to Congress.

His letter was sent to the chairs of the House Appropriations and Government Reform Committees, the Senate Homeland Security and Governmental Affairs Committees, and House and Senate Appropriations Committees.

The GAO report, “FAA Needs to Better Ensure Project Eligibility and Improve Strategic Goal and Performance Measures,” was released last September (24 ANR 116).

It found that since 1982, FAA has provided \$5.8 billion in AIP noise grants to
(Continued on p. 27)

UK

UK GATHERING EVIDENCE TO INFORM DEVELOPMENT OF NEW NIGHT RESTRICTIONS

Last March, the UK Government announced that it would extend the existing restrictions on night flights at Heathrow, Gatwick, and Stansted Airports for a period of two years until October 2014.

The extension was made to ensure that the new night flying regime for the airports can reflect an aviation policy framework that the government has committed to have in place by this spring.

In January, the UK Government published the first of two consultations that will inform the development of the next night noise regime for the Heathrow, Gatwick, and Stansted.

This first consultation seeks views and evidence on a range of issues including the effectiveness of the current regime, the costs and benefits of future options, and airlines’ fleet replacement plans.

“We are aware of the economic arguments for operating night flights. So, as well as looking at options for reducing the noise impact of night flights, this consultation is also an opportunity for interested parties to make the case for night flights and how they can contribute to economic growth,” the UK said.

(Continued on p. 29)

In This Issue...

AIP ... DOT tells Congress Noise Set-Aside in AIP is ‘vitally important’ part of FAA’s capability to mitigate aircraft noise - p. 26

UK ... Evidence sought to inform development of new night flying restrictions at London airports - p. 26

LAX ... El Segundo gets \$2.9 million for insulation - p. 27

California ... CEQA bill in state Senate may prove beneficial to CA airports, attorneys say in their Aviation Alert - p. 28

ACRP ... Problem statements sought for FY 2014 Program - p. 28

Sequestration ... The dreaded across-the-board cuts in federal agency expenditures begins today. FAA must cut its operating budget by \$600 million through the end of FY 2013 (Sept. 30); furloughs of agency employees are planned; AIP grants are exempt from the sequestration.

AIP, from p. 26

481 airports but said there are a number of indicators that point to a decline in future demand for noise grant projects.

There are fewer noise projects being done in the highest noise impact areas, the number of airports planning eligible noise projects is down 16 percent from 2001, fewer airports are developing new noise compatibility programs, and many of the 234 airports with such programs may be completing them, GAO told Congress.

But it stressed that about one-third of the people living in significantly noise-impacted areas reside near airports that have not completed and may never complete a noise compatibility program, which is a necessary step before an airport can use noise grants for residential insulation.

“This population, therefore, may never be reached by FAA’s grant program,” GAO told the Senate Commerce Committee, which requested the report.

“Though a number of airports continue to have planned noise mitigation projects, after 30 years of funding noise grants, it is reasonable to question whether the program may remain relevant for only a limited period in the future or needs to be reformed to better target emerging needs,” GAO concluded.

“Increased knowledge about the problem and the use of noise grants as a solution should help Congress and FAA chart the most appropriate course for the future of the AIP noise program,” GAO added.

DOT Response

“While commercial aircraft are substantially quieter than they use to be, there are still more than 300,000 people living and going to school within significantly noise-impacted areas around airports,” DOT’s Fontenot told Congress.

“Since 1982, Congress has provided a dedicated source of funding within the AIP to address the problems associated with airport noise. FAA administers this program, which has provided sound-proofing, property acquisition, and other noise mitigation activities for homes, schools and other public buildings in noise sensitive areas. During the seven-year period from 2005-2011, this program has helped improve the lives of more than 115,000 residents and students.

“While the FAA continues to work with the aviation industry to achieve additional improvements in aircraft engine and airframe technology that will further reduce aircraft noise, the AIP-funded noise program remains a critical means for FAA to help people who are still significantly impacted by the noise.

“At current funding levels, FAA estimates it will take 15-20 years to mitigate noise for the population of residents and students remaining within significantly-impacted areas.

“Changes in the aviation industry, including growth in aviation activity levels and new flight paths over areas that are noise-sensitive, could increase the population of individuals significantly impacted by aircraft noise,” DOT told Congress.

“In addition, if current research results in a recommendation to mitigate aircraft noise at a lower level of exposure than current guidelines, additional areas around airports could become eligible for noise mitigation,” Fontenot wrote.

GAO Recommendations

The GAO made two recommendations in its report. The first was that FAA “establish a strategic noise reduction goal that aligns with the nature and extent of airport noise and targets the agency’s noise grant program.”

FAA agreed to review whether its strategic goals related to the noise grant program are sufficiently robust and clear and to complete this review by June 30.

DOT said its “Destination 2025” strategic plan, issued in 2011, includes strategies specific noise: (1) accelerating NextGen technologies to reduce noise; (2) working with communities to eliminate or mitigate incompatible land use; and (3) directing federal funds to mitigate the adverse impacts of aircraft noise in homes and schools.

“However, there are important reasons why the entire strategic goal does not and should not align with the noise grant program,” DOT told Congress. “The most effective approach to aircraft noise requires a combination of reductions in engine noise, improved airframe technology, operational measures, and mitigation on the ground for people remaining in noise impacted areas. All of these elements are crucial for achieving FAA’s outcome-oriented goals for aircraft noise. No single strategy is a stand-alone solution,” DOT stressed.

GAO also recommended in its report to Congress that FAA establish performance measures to assess progress towards the strategic noise reduction goal that better demonstrate results of the program and provide Congress and FAA’s managers with information to gauge progress and make programmatic decisions.

DOT said the FAA already has performance measures focused on the number of people expected to benefit from airport grant noise mitigation funding, both in its annual budget justifications and its annual AIP Report to Congress.

However, FAA agreed to review its approach to airport noise grant performance measures as part of its review of its strategic goals for noise mitigation “to ensure that performance measures clearly provide a sense of objectives and accomplishments to those working in and overseeing the program.”

Los Angeles Int’l**BOAC AUTHORIZES \$9.2 MILLION TO EL SEGUNDO FOR INSULATION**

The Los Angeles Board of Airport Commissioners on Feb. 19 authorized staff to enter into a Letter of Agreement with the City of El Segundo for its Residential Sound Insulation Grant Program and to release \$9,225,000 for its eligible noise mitigation project.

The LAWA grant, combined with a \$5 million from the Federal Aviation Administration, will enable the City of El Segundo to soundproof 329 single- and multi-family dwellings that are impacted by operations at Los Angeles International Airport.

The project cost covers all acoustical, architectural, engineering, construction and administrative activities. Construction contractors typically install double-paned windows, solid-core doors, fireplace doors and dampers, attic baffles, insulation and other elements to achieve a target noise-level for the homes' interiors of 45 decibels.

The City of El Segundo reported that of its 4,537 eligible dwellings, 1,373 have been noise mitigated, leaving approximately 3,164 eligible units to be insulated. Completion of the 329 units will result in the City of El Segundo having treated 1,702 units, or 38 percent, of its eligible dwelling units.

The grant is in accordance with the Los Angeles International Airport Master Plan Stipulated Settlement Agreement reached in February 2006. The agreement calls for LAWA to provide up to \$22,500,000 annually through 2015 to the Cities of El Segundo, Inglewood, and the County of Los Angeles for noise-mitigation grants.

California

CEQA REFORM IN ON THE TABLE

[The following Aviation Alert was issued Feb. 27 by Lori D. Ballance and Danielle K. Morone of Carlsbad, CA, law firm Gatzke Dillon & Balance LLP.]

On Friday, February 22, 2013, Senate Pro Tem Daryl Steinberg introduced SB 731. While not earth shattering in its present form, some concepts identified in the bill may prove to be beneficial to California's airports if the concepts are favorably fleshed out and enacted.

The following excerpts from the bill highlight some of the key subjects of CEQA reform that may be of interest to airports:

- **Renewable Energy Projects:** "It is the intent of the Legislature to explore amendments to [CEQA] to further streamline the law for renewable energy projects ..."

- **Significance Thresholds:** "It is the intent of the Legislature to update CEQA to establish a threshold of significance for noise, aesthetics, parking, and traffic levels of service, and thresholds relating to these land use impacts, so that projects meeting those thresholds are not subject to further environmental review for those environmental impacts. It is further the intent of the Legislature to review other similar land-use-related impacts to determine if other thresholds of significance can be set."

- **Streamlining Master Planning:** "It is the intent of the

Legislature to amend Section 65456, which exempts from CEQA projects undertaken pursuant to a specific plan for which an EIR has been prepared, unless conditions specified in Section 21166 of the Public Resources Code have occurred, to define with greater specificity what 'new information' means, and to avoid duplicative CEQA review for projects and activities that comply with that plan.

It is further the intent of the Legislature to review the possibility of defining other types of plans to determine if similar treatment could be applied to those plans or portions of those plans that are consistent with sustainable communities strategies adopted pursuant to Section 65080 of the Government Code or that have had a certified EIR within the past five years."

- **Judicial Remedies:** "It is the intent of the Legislature to enact amendments to Section 21168.9 to establish clearer procedures for a trial court to remand to a lead agency for remedying only those portions of an EIR, negative declaration, or mitigated negative declaration found to be in violation of CEQA, while retaining those portions that are not in violation so that the violations can be corrected, recirculated for public comment, and completed more efficiently and expeditiously. It is further the intent of the Legislature to explore options under which a court could allow project approvals to remain in place, and for projects to proceed."

- **Late Hits and Data Dumps:** "It is the intent of the Legislature to amend Section 21091 of the Public Resources Code and related provisions of law to establish clear statutory rules under which 'late hits' and 'document dumps' are prohibited or restricted prior to certification of an EIR, if a project proponent or lead agency has not substantively changed the draft EIR or substantively modified the project."

We will be monitoring legislative action on SB 731 and will provide further updates, as appropriate.

ACRP

PROBLEM STATEMENTS FOR ACRP FY 2014 PROGRAM BEING SOUGHT

The Transportation Research Board (TRB) is seeking problem statements identifying research needs for the Airport Cooperative Research Program (ACRP) Fiscal Year 2014 Program.

The deadline for submitting statements is March 13.

These submittals form the basis for selection of the annual ACRP research program. They are not proposals to conduct the research but are used to identify potential research needs only.

Most are 1-3 pages in length. A listing of current ACRP research projects is available at www.trb.org/CRP/ACRP/ACRPPProjects.asp.

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The ACRP undertakes research and other technical activities in a variety of airport-related areas, including operations, design, construction, engineering, maintenance, human resources, administration, policy, planning, environment, safety, and security.

Problem statements may be submitted to ACRP by anyone.

They may be submitted by e-mail to acrp@nas.edu and it is preferred that the problem statement be sent as an attachment to the e-mail message in Microsoft Word format.

If you have previously submitted a research problem statement that was not selected for funding, but is still a relevant airport research topic, please feel free to resubmit the problem statement for consideration. There are many good research topics that are not selected each year simply due to the level of funding available. Research problem statements must be resubmitted each year to receive further consideration.

The ACRP Oversight Committee (AOC) will select the research problem statements for the FY 2014 program in July 2013.

For further information, contact Michael R. Salamone, ACRP Manager, at 202/334-3224 or msalamone@nas.edu

UK, from p. 26 _____

The public and industry stakeholders have until April 22 to submit comments on the first-stage consultation.

The first consultation also includes a review of current evidence on the costs of night flights, particularly noise, and the benefits of these flights. It sets out the UK Government’s thinking on how it would expect to appraise the policy options for the next night flights regime and seeks views on its approach.

The second consultation will be published later this year and will include specific proposals for the new regime, such as the number of permitted night flights.

“These proposals, which will be informed by the evidence we receive from this first stage consultation, will need to strike a fair balance between the interests of those affected by the noise disturbance and those of the airports, passengers and the UK economy, taking account also of our obligations under EU law,” the UK said.

Accompanying the first-stage consultation were two reports by the UK Civil Aviation Authority’s Environmental Research and Consultancy Department. One describes a proposed methodology for estimating the cost of sleep disturbance from aircraft noise. The other is a review of the literature on the health effects of aircraft noise, including sleep disturbance and cardiovascular effects.

The first-stage consultation and accompanying documents is available at <https://www.gov.uk/government/consultations/night-flights-consultation>

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A weekly update on litigation, regulations, and technological developments

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PBN

ACI-NA WHITE PAPER TELLS AIRPORTS HOW TO BE CRITICAL PARTNERS IN PBN DESIGN

Guidance to airports on how to effectively partner with the Federal Aviation Administration, airlines, and communities in the development of Performance-Based Navigation (PBN) procedures is contained in an 18-page White Paper issued March 1 by the Airports Council International – North America.

“Airports’ Role in the Development and Implementation of Performance Based Navigation (PBN) Flight Procedures” is posted on the ACI-NA website at <http://www.aci-na.org/committee/environmental-affairs>

The White Paper was prepared by the ACI-NA NextGen Working Group, which was established to help airports understand issues related to PBN and the critical role airports play in the deployment of these advanced satellite-based navigation procedures, the Executive Summary of the document explains.

The White Paper includes three chapters focusing on an introduction to PBN, leveraging PBN to provide airport benefits, and an airport strategy for PBN success.

(Continued on p. 31)

DeKalb Peachtree Airport

COUNTY, AIRPORT, CITIZENS GROUP PARTNER ON STUDY OF NOISE, AIR POLLUTION AT PDK

After decades of heated debate about what types of aircraft should be allowed to use DeKalb County’s DeKalb Peachtree Airport (PDK), DeKalb County Government, PDK Airport and Open DeKalb Inc., have partnered to retain an Emory University environmental health expert to analyze air and noise pollution from the airport.

Open DeKalb is a community group that previously planned to sue the County over the types of aircraft allowed to use the airport. Instead, it has agreed to support a year-long, \$500,000 study of the air quality and noise impacts of the airport.

The study, already underway, is being funded by the airport. It is expected to be completed by the early winter of 2014 and the final report available to the County Commission and the public shortly thereafter.

In a Feb. 27 announcement, DeKalb County said that P. Barry Ryan, PhD, a professor in the Department of Environmental Health at Emory University’s Rollins School of Public Health, will conduct the study. The County called Ryan “one of the foremost experts in the United States analyzing air pollution from aircraft operations, and among a small group of chemists qualified to conduct a major

(Continued on p. 32)

In This Issue...

PBN ... ACI-NA issues a White Paper telling airports how to establish themselves as a critical link with communities, industry stakeholders in development of PBN procedures with FAA - p. 30

DeKalb Peachtree ... Community group decides to drop planned litigation and partner with County, airport on \$500,000 study of noise, PM at airport that will be funded by PDK - p. 30

Hillsboro ... Oregon Land Use Board will hear citizens group case asserting that federal preemption of aircraft operations does not apply to in-state flights - p. 31

Sydney ... Honeywell’s SmartPath will be first GBAS installed at Australian airport - p. 31

Air Traffic ... CANSO commits to working with airlines to roll-out PBN procedures, airports to help minimize noise impact as part of larger effort to achieve a “seamless global airspace” - p. 33

PBN, from p. 30

“It is vitally important to the success of any PBN effort for airports to be in the forefront of development efforts,” the White Paper stresses. “Long before procedure development begins, airport operators need to be aware of, and involved in, the concepts that underlie PBN procedure development.”

Airports must establish themselves as “a critical link” with communities and industry stakeholders in the development of PBN procedures, ACI-NA told its members.

“The early and sustained involvement by airports in the design of PBN procedures is a critical component to ensure that the implementation addresses desired airport benefits and employs an approach that supports existing airport noise measures, explores new solutions to existing noise issues, and addresses the public’s expectations for environmental benefits and review.”

“... The relationship that airports have with their communities, knowledge of community expectations relative to the environmental review and environmental benefits, and the ability and resources to ensure that the PBN initiative addresses these factors in the design and implementation process, are critical components to the [FAA] Air Traffic Office’s success. This needs to be established early and preferably proactively, by the airport in the process with the ATO as well as other FAA stakeholders (e.g. Airports District Office).”

The White Paper tells airports that they must be prepared to contribute resources to the environmental analyses of PBN procedures including financial contributions if the analysis of environmental impacts costs more than what has been budgeted by the FAA ATO.

ACI-NA asserts in its White Paper that “airports have much to lose, as do the FAA and aircraft operators, if community support disintegrates and controversy and legal actions follows ... Airports need to help both industry stakeholders (e.g. FAA and aircraft operators) and the community stakeholders in understanding the collective interests and managing expectations on both sides.”

“... A [PBN] procedure that is developed with the sole focus on gaining a categorical exclusion (CatEx) from the NEPA process as an implementation objective may provide some fuel savings and emission reduction benefits but may miss opportunities to provide noise reduction or other benefits if the airport and communities are not engaged in the process,” the White Paper warns.

Hillsboro Airport**CASE CHALLENGING LIMIT OF PREEMPTION MOVES FORWARD**

The Oregon Land Use Board of Appeals (LUBA) has accepted a case filed by the citizens group Oregon Aviation Watch which asserts that federal preemption of aircraft opera-

tions applies only to flights between states and not to flights within the same state.

The distinction is crucial at Hillsboro Airport, a major pilot flight training center, where most flights are within the state of Oregon.

LUBA will hold oral argument on the case, *Oregon Aviation Watch et al v. City of Hillsboro* (LUBA No. 2012-098) on March 14 at its office in Salem, OR.

The citizens group challenged Ordinance No. 6037 passed by the Hillsboro City Council on Dec. 4, 2012, that repealed Subsection 8.32 of the Hillsboro Municipal Code, which set forth restrictions on aviation activity within the city limits (25 ANR 14).

The City of Hillsboro claimed that it has no authority to regulate aircraft within its jurisdiction. Asserting that the ordinance was a legislative housekeeping matter, rather than a land use issue, the City did not hold a public hearing prior to approving the ordinance.

In its legal analysis on HMC 8.32, the City maintained that “federal law has preempted regulation by local governments with respect to airspace use and management, traffic control, safety and the regulation of aircraft noise.”

Oregon Aviation Watch disagreed with the City’s conclusions. Sean Malone, the Eugene, OR, attorney representing OAW in the case, submitted a brief on behalf of the petitioners enumerating the errors he saw in the City’s decision. He argued that Ordinance No. 6037 “is a land use decision subject to LUBA’s jurisdiction because it amends by repeal, land use regulations that implement Hillsboro’s comprehensive plan...related to transportation, public facilities, and air, water, and land resources.”

As explained in Malone’s summary, “Ordinance No. 6037 will have significant impacts on present and future uses of land. The repeal of HMC subchapter 8.32 will allow unregulated intrastate airport-related uses to contribute more lead pollution to the City and decreases safety by abdicating any authority to regulate low altitude flying, acrobatic flying, and dropping articles from aircraft.”

Air Traffic**SMARTPATH AT SYDNEY WILL BE FIRST GBAS IN AUSTRALIA**

Airservices Australia has selected Honeywell’s SmartPath as the country’s first Ground-Based Augmentation System (GBAS) to improve operational efficiency and decrease air traffic noise and emissions at Sydney Airport.

Designed to overcome the limitations of traditional Instrument Landing Systems (ILS) – a ground-based instrument approach system that relies on radio signals and lighting – GBAS augments Global Navigation Satellite Systems (GNSS) to make them accurate and safe enough to use during aircraft approaches and landings at airports experiencing high traffic volumes, Honeywell explained in a Feb. 13 re-

lease.

Honeywell's SmartPath is the world's only certified GBAS, with certifications from the Federal Aviation Administration and Germany's BAF, and replaces older ILS technology.

Responding to growing passenger demand, the selection of SmartPath at Sydney is the result of a successful partnership between the airport, Airservices, Australia's Civil Aviation Safety Authority (CASA), and Qantas Airways, which provided GNSS landing system (GLS)-equipped A380 and B737 aircraft for system testing.

SmartPath will complete operational testing and evaluation by Airservices Australia, Sydney Airport, and Qantas by the end of the first quarter of 2013 before becoming commercially operational, pending certification by CASA.

Honeywell cites a number of benefits of its SmartPath technology, including:

- Supporting up to 26 precision approaches for aircraft across up to four runways simultaneously, eliminating the need for multiple ILS systems at airports with several runways.
- Reducing maintenance, which can yield annual maintenance savings of up to \$400,000 over ILS.
- Reducing tarmac congestion and increasing airport throughput by mitigating the need for taxiing aircraft to "short-hold."

Honeywell said it is a pioneer in GBAS technology and has demonstrated the benefits of GBAS at more than 25 airports around the world. As well as the recent completion of SmartPath at Bremen, Germany, the system also went live at Newark Liberty International in September 2012.

SmartPath systems are also currently being installed at Rio de Janeiro, Brazil; Malaga, Spain; Memphis, TN; and Houston, TX.

Following the success of the SmartPath trials at Sydney, Airservices is now commencing work on extending the country's GBAS network to Melbourne International Airport.

Peachtree, from p. 30

study of this type."

Dr. Ryan designed the study with significant input from Open DeKalb, the County, and PDK Airport. The purpose of the study is to secure reliable environmental impact data upon which all stakeholders can rely upon when making decisions about airport operations. The study is being funded by airport-generated funds that are not available for other County uses.

The study covers a full year so that seasonal changes in noise and air pollution impacts can be properly assessed, Ryan explained. It will measure fine particulate matter, or soot, directly upwind and downwind of the airport as well as along take-off and landing paths near the airport. Noise data will be collected at four, fixed-site monitors in the community as well as a portable monitor moved from place to place.

Noise monitoring began the week of Feb. 25.

"Motivated by concerns for open and informed decision-making about the airport and the health and safety of our community, Open DeKalb raised the necessary funds and committed to litigate enforcement of a weight limit on aircraft at PDK," recalled Fred Fuerst, M.D., president of Open DeKalb Inc.

"But in 2008, newly-elected [County] CEO Burrell Ellis brokered a high-level meeting among Open DeKalb, Airport administrators, and County officials. The stakeholders found common ground in wanting the Airport to operate in an open, healthy environment that serves the business community and protects the highly-populated area surrounding the airport."

Attorney Susan Gouinlock, legal counsel for Open DeKalb, Inc., said that there were significant changes in the variables Open DeKalb had to consider in deciding to support this study rather than to file a lawsuit: "Burrell Ellis had become the new CEO; Lee Remmel left PDK and was succeeded as Airport Director by Mike Van Wie. The County Commission, led by Commissioners Elaine Boyer and Jeff Rader, was now willing to take a hard look at the community's concerns about decision making at PDK and its environmental impacts on the community."

Litigation Not Best Option Anymore

Open DeKalb's Dr. Fuerst explained, "Once it became clear to Open DeKalb that we could finally work together with the County and the Airport to seek facts based on an objective scientific study, litigation was not the best option anymore."

"Litigation is always expensive and has risks no matter how strong your case," Gouinlock emphasized. "Once we knew that the County administration under CEO Ellis and Airport staff led by Director Van Wie wanted the same information we did – whether larger, heavier aircraft cause more noise and/or air pollution in and around PDK—the decision to work together rather than to litigate was an easier one."

"We are fortunate to have the expertise and resources of Dr. Ryan and the Rollins School of Public Health locally, just miles from the Airport," said Van Wie. "The \$500,000 study is being funded by the Airport Enterprise Fund – money raised at PDK that cannot be used for other County expenditures. This is a major expense for the Airport, but we agree that informed decisions are likely to be the best ones."

County Commissioner Jeff Rader characterized the Emory study as "a major step in the right direction."

"It will provide solid data to guide the County Commission in making decisions about this major public facility that impacts air quality and economic development in our County," he added.

PDK is a general aviation reliever airport for Hartsfield-Jackson Atlanta International and is the second busiest airport in Georgia. Aircraft weight is limited to 66,000 lb. or less.

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Air Traffic

CANSO COMMITS TO WORKING WITH AIRPORTS TO REDUCE NOISE IMPACT

The Civil Air Navigation Services Organization (CANSO) has outlined a comprehensive series of actions it has committed to take to achieve a “seamless global airspace,” including collaborating with airlines to roll-out Performance-Based Navigation (PBN) and helping airports minimize aircraft noise impacts.

CANSO said March 7 that it has committed to take action in three broad areas: safety, operations, and policy and to work with the International Civil Aviation Organization (ICAO), States, regulators, and industry partners to achieve them. The actions are CANSO’s response to requests and proposals from leaders of the air transport industry made at the World ATM Congress, held March 4-6 in Madrid.

CANSO Director General, Jeff Poole, said, “CANSO was recognized as the global voice of air traffic management (ATM) by all the air transport industry’s leaders who came to Madrid to convey to CANSO as a partner what they expect from the ATM industry. The strong and consistent themes were enhancing performance and doing so by working together.”

CANSO said it is committed “to collaborating with its partners and stakeholders, listening to their needs, discussing their expectations and taking action to deliver specific and measurable goals. There was full and constructive debate in Madrid but we must now convert the talk, the requests and the proposals into actions and deliverables. At next year’s World ATM Congress, CANSO will be assessed against what we agreed to do this year. CANSO is well placed to be a major driver of change in the ATM industry and we are determined to deliver.”

On Operations, CANSO said it will cooperate with ICAO and its industry partners across a range of specific operational issues to drive improvements in ATM performance. A particular priority is the harmonized use of airspace across States and regions with a consistent set of standards, rules, procedures and equipage. CANSO also will:

- Work with the International Air Transport Association and airlines on several issues, including the further roll-out of PBN and the implementation of ADS-B globally based on common standards.
- Collaborate with the Airports Council International and airports on promoting and implementing Airport Collaborative Decision Making, helping airport operators to minimize noise at airports, and improving runway safety at airports.
- Cooperate with governments and their military so that civil traffic can make better use of military airspace leading to more efficient routing, lower costs, and reduced emissions.

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